

To: Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]
Cc: Bennett, Tate[Bennett.Tate@epa.gov]
From: Hanson, Andrew
Sent: Tue 7/11/2017 7:35:52 PM
Subject: FW: Multi-state comment letter on definition of "waters of the United States"
Comments of West Virginia, Wisconsin, and 18 other States on definition of 'waters of the United States' (M0207545xCECC6)-c1.PDF
WOTUSFedCommentsByState.docx

Hey –

I know you have these, but wanted you to have them at your fingertips for SP's meeting with the AGs.

Also, though included in the attached overview, the Govs include:

AL – Bill Walker

AZ – Doug Ducey

AR – Asa Hutchinson

HI – David Ige

ID – Butch Otter

IA – Kim Reynolds

KS – Sam Brownback

ME – Paul LePage

MS – Phil Bryant

MO – Eric Greitens

NE – Pete Ricketts

NV – Brian Sandoval

NH – Chris Sununu

ND – Doug Burgum

SC – Henry McMaster

WY – Matt Mead **One for WY, one for NGA

NGA – Brown (CA), Mead (WY)

WGA – Bullock (MT), Daugaard (SD)

To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Richardson, RobinH[Richardson.RobinH@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]
From: Bowles, Jack
Sent: Mon 7/10/2017 6:56:39 PM
Subject: Fwd: Responses needed: Letters to State Attorney Generals (#6391)
[17-000-6391.pdf](#)
[ATT00001.htm](#)

Tate,

Latest on the letter you asked about.

Best,
Jack

Sent from my iPhone

Begin forwarded message:

From: "Kime, Robin" <Kime.Robin@epa.gov>
To: "Bowles, Jack" <Bowles.Jack@epa.gov>
Subject: FW: Responses needed: Letters to State Attorney Generals (#6391)

Hi

I hope you are well. Below is the latest draft response. Samantha is planning individualized responses so at the moment, this is with her.

From: Kime, Robin
Sent: Monday, July 10, 2017 1:51 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Responses needed: Letters to State Attorney Generals (#6391)

Attached is the incoming letter and below is a revised draft response, though each of the 19 responses needs your personal touch.

Dear Attorney General Paxton:

On behalf of Administrator Pruitt, thank you for your letter regarding delegation of authority under the Clean Air Act and Clean Water Act, and the primary regulatory role that states and local governments have in implementing these important statutes. We agree that the federal government must respect the clear terms of cooperative federal state enactments. In addition, federal agencies such as EPA must not stray outside the boundaries of statutory authority.

As part of our implementation of Executive Order 13777, on April 11, 2017, the EPA established a Regulatory Reform Task Force and launched a robust request for public feedback on its evaluation of existing regulations. EPA program offices held 11 public meetings to receive input that could inform the regulatory review. More than 200,000 stakeholders were independently invited to participate, and nearly half a million comments were received in the public comment docket. This enthusiastic response from homeowners, small businesses, small governments, and other regulated entities, has provided a springboard for identifying unnecessary and overly burdensome regulations. Similarly, responses from our state partners provided important perspectives about the need for EPA to assume a more collaborative approach to our work, as directed by federal environmental statutes. The thoughts in your letter are consistent with those perspectives, and we will be taking them account as we move forward with improvements to the environmental regulatory process. As Administrator Pruitt has said, "The days of coercive federalism are over."

Thank you again for your letter and partnership in the work of the EPA. We greatly appreciate your leadership in the State of Texas and look forward to joining together to make the federal government work better for the American people. If you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-9903.

Sincerely,

Samantha Dravis

Senior Counsel and Associate Administrator



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 7, 2017

Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Re: Request to reexamine delegation of certain environmental regulation authority to the States in accordance with the express terms of the Clean Air and Water Acts; from State of Texas, from State of Alabama, from State of Arizona, from State of Arkansas, from State of Georgia, from State of Indiana, from State of Kansas, from State of Kentucky, from State of Louisiana, from State of Mississippi, from State of Missouri, from State of Montana, from State of Nebraska, from State of Nevada, from State of North Dakota, from State of Oklahoma, from State of South Carolina, from State of West Virginia, from State of Wyoming

Dear Administrator Pruitt:

We write to call your attention to the fact that the extensive regulation from the Environmental Protection Agency during the last decade is directly at odds with the express terms and structure of the Clean Air Act and Clean Water Act. We ask that as you assess the performance of your Agency, you do so with a keen eye toward compliance with these governing laws and not repugnance to them.

These federal laws acknowledge basic truths: that the primary regulators of the environment are the States and local governments. The Clean Air Act wastes no time making this point. The very first section states that "air pollution prevention . . . and air pollution control at its source is the primary responsibility of States and local governments." 42 U.S.C. § 7401(a)(3). The Clean Air Act then establishes a preferred method for the federal government to assist States and local governments: "to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs." *Id.* § 7401(b)(3). The Act's terms such as "encourage," "assist," and "promote" envision a collaborative arrangement.¹ As one court summarized,

¹ The Clean Water Act is based on a collaborative framework that is substantially similar to the cooperative arrangement underlying the Clear Air Act. *See, e.g.*, 33 U.S.C. § 1251(b) (providing that the policy of the Clear Water Act is to preserve the "primary responsibilities of States to prevent, reduce, and eliminate" water pollution).

Hon. Scott Pruitt

“[t]he great flexibility accorded the states under the Clean Air Act is ... illustrated by the sharply contrasting, narrow role to be played by EPA.” *Fla. Power & Light Co. v. Costle*, 650 F.2d 579, 587 (5th Cir. 1981).

The methods we have seen from the Agency as of late, however, are in direct conflict with the cooperative arrangement the Act establishes. The Agency has replaced “encourage” and “promote” with “command” and “commandeer.” Take one recent example. Texas formulated a state implementation plan for Regional Haze. That plan imposed reasonable regulations on such things as power generators in the State to ensure air quality was sufficiently high to allow good visibility. The Agency rejected the State’s plan, imposed a federal plan costing \$2 billion without achieving any visibility changes, and tried to insulate itself by requiring Texas to challenge the rejection of its plan in the D.C. Circuit.

Unsurprisingly, the Fifth Circuit rejected the Agency’s attempt to transfer venue and stayed the federal plan.² At that point, the Agency had the opportunity to return to using its authority under the Act—rather than acting on its own. Instead, the Agency imposed a renewed regional haze rule almost as bad as the first.³ These actions show that the Agency ignored the efforts of the State, perhaps blinded by the belief that good results can only result from top down management by the federal government. Or worse, the prior Administration’s agenda and policy goals drove the Agency’s decision rather than the requirements of the statute.

The federal government must respect the clear terms of cooperative federal-state enactments. For example, federal agencies may not add conditions on the receipt of federal funds unless the terms are clearly stated in the controlling statute. *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296 (2006). And federal agencies may not stray outside the boundaries of their statutory authority by relying on policy documents and other non-statutory materials. *See, e.g., Luminant Generation Co., LLC v. EPA*, 675 F.3d 917, 931 (5th Cir. 2012).

Similarly, the federal government may interpose itself between a State and its municipal subdivisions only if Congress provides a clear directive to do so. *Tennessee v. FEC*, 832 F.3d 597, 610 (6th Cir. 2016). From our perspective, the recent overreach by the Agency amounts to a striking departure from the Clean Air and Clean Water Acts. Respectfully, we ask that you consider the steps that the Agency may take to restore the principles of cooperative federalism embodied in these important statutes.

Sincerely yours,

² *Texas v. United States Envtl. Prot. Agency*, 829 F.3d 405 (5th Cir. 2016).

³ 82 Fed. Reg. 3,078 (Jan. 10, 2017)



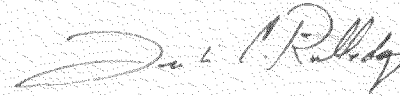
Ken Paxton
Attorney General of Texas



Stephen T. Marshall
Attorney General of Alabama



Mark Brnovich
Attorney General of Arizona



Leslie Rutledge
Attorney General of Arkansas



Christopher Carr
Attorney General of Georgia



Curtis T. Hill, Jr.
Attorney General of Indiana



Derek S. Schmidt
Attorney General of Kansas



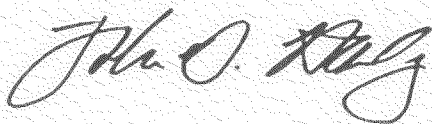
Matt Bevin
Governor of Kentucky



Jeff Landry
Attorney General of Louisiana



Phil Bryant
Governor of Mississippi



John Hawley
Attorney General of Missouri



Tim Fox
Attorney General of Montana



Douglas Peterson
Attorney General of Nebraska



Adam Paul Laxalt
Attorney General of Nevada

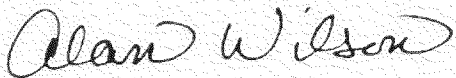
Hon. Scott Pruitt



Wayne Stenehjem
Attorney General of North Dakota



Mike Hunter
Attorney General of Oklahoma



Alan Wilson
Attorney General of South Carolina



Patrick Morrissey
Attorney General of West Virginia



Peter Michael
Attorney General of Wyoming

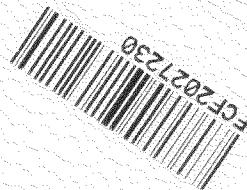
cc: Hon. Jeff Sessions, United States Attorney General



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Post Office Box 12548
Austin, Texas 78711-2548

Return Services Requested



neopost
05/07/2017

FIRST-CLASS MAIL

US POSTAGE \$000.46



ZIP 78701
041112208080

OFFICIAL BUSINESS
STATE OF TEXAS

PENALTY FOR PRIVATE USE

MAR 14 2017

Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460



To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Kunding, Kelly[kunding.kelly@epa.gov]; Skylar McElhaney[Skylar.McElhaney@deq.ok.gov]
From: Fenton Rood
Sent: Fri 6/22/2018 3:22:02 PM
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Brown, Byron[brown.byron@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Jackson, Ryan
Sent: Wed 11/29/2017 7:55:31 PM
Subject: FW: AGs Letter
Sign On Ltr to EPA re no action recommendation 11 29 2017.pdf

From: Nolan, Rich [mailto:RNolan@nma.org]
Sent: Wednesday, November 29, 2017 2:52 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: AGs Letter

AGs letter

November 29, 2017

SENT VIA FEDEX (OVERNIGHT)

The Honorable Scott Pruitt, Administrator
United States Environmental Protection Agency
1747 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20006

Dear Administrator Pruitt:

As the chief legal officers of our respective states, we write today to urge the United States Environmental Protection Agency (“EPA”) to publish a “no action” decision on the proposed rule entitled “Financial Responsibility Requirements Under CERCLA 108(b) for Classes of Facilities in the Hardrock Mining Industry,” 82 Fed. Reg. § 3388 (Jan. 11, 2017) by the upcoming December 1, 2017 court ordered deadline. In short, the proposed rule amounts to unlawful executive overreach and is precisely the sort of unnecessary, duplicative, and punitive regulation that President Trump has committed to curtailing.

For many of the undersigned states, the mining sector is a key employer and revenue generator. However, all of the undersigned states care about federalism, the rule of law, and unnecessary economic burdens. According to EPA’s own Regulatory Impact Analysis, this regulation, if adopted, would impose an estimated \$7.1 billion in new financial obligations for affected facilities without creating any new or significant environmental protections. *See* 82 Fed. Reg. at 3392. Further, EPA’s own figures suggest that facilities would incur annual costs of \$171 million. *See* 82 Fed. Reg. at 3393. Numerous stakeholders have warned that such excessive cost burdens will serve to discourage domestic mineral production and industry investment. As a result, indirectly increasing the United States’s reliance on metals and minerals from foreign countries and negatively impacting the local economies of our states, which depend on high-paying mining industry jobs and tax revenue that the sector garners.

Additionally, the process by which the regulation was proposed was fundamentally flawed and is yet another disturbing example of EPA’s failure to engage in required consultation with states at the rule development phase, a scenario with which we have, unfortunately, become all too accustomed over the past eight years. There is overwhelming evidence in the administrative record that the regulation is unnecessary, duplicative, and potentially impermissibly preempts state regulatory programs, including state mine bonding programs, which already effectively protect against the environmental risks underlying the § 108(b) proposal. Stakeholders ranging from state governors to mining companies to land management

The Honorable Scott Pruitt
November 29, 2017
Page 2


agencies emphasized that the EPA failed to adequately account for existing state and federal programs that have financial assurance components designed to ensure an operator's ability to cover the costs associated with releases or threatened releases of hazardous substances from their facilities at all phases of mining, including reclamation, closure, and post-closure.

The D.C. Circuit was clear in its consent decree that although final action on the financial assurance regulations must be taken by December 1, 2017, EPA may decide, based on the input of stakeholders during the comment period, not to issue a rule at all. *In re Idaho Conservation League*, 811 F.3d 502, 514 (D.C. Cir. 2016) (“[T]he proposed joint order ‘does not require EPA to promulgate a new, stricter rule.’ At most, it ‘merely requires that EPA conduct a rulemaking and then decide whether to promulgate a new rule — the content of which is not in any way dictated by the [proposed order on consent]’” (alteration in original) (emphasis omitted) (citation omitted)). Based on the foregoing and in the face of overwhelming evidence that the mining industry does not warrant a CERCLA § 108(b) program, we reiterate our request that EPA publish a notice of final action withdrawing the proposed rule.

Sincerely,



Steve Marshall
Attorney General of Alabama



Cynthia H. Coffman
Attorney General of Colorado



Mark Brnovich
Attorney General of Arizona



Pam Bondi
Attorney General of Florida



Leslie Rutledge
Attorney General of Arkansas



Jeffrey M. Landry
Attorney General of Louisiana

The Honorable Scott Pruitt
November 29, 2017
Page 3



Timothy C. Fox
Attorney General of Montana



Marty J. Jackley
Attorney General of South Dakota



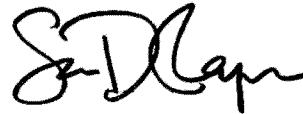
Adam Paul Laxalt
Attorney General of Nevada



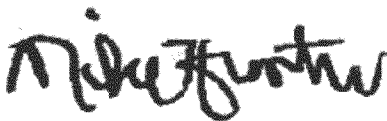
W. Kenneth Paxton, Jr.
Attorney General of Texas



R. Michael DeWine
Attorney General of Ohio



Sean D. Reyes
Attorney General of Utah



Mike Hunter
Attorney General of Oklahoma



Patrick J. Morrissey
Attorney General of West Virginia



Alan M. Wilson
Attorney General of South Carolina



Brad D. Schimel
Attorney General of Wisconsin

The Honorable Scott Pruitt
November 29, 2017
Page 4

A handwritten signature in black ink, appearing to read "Peter K. Michael". The signature is fluid and cursive, with the first name "Peter" and last name "Michael" clearly distinguishable.

Peter K. Michael
Attorney General of Wyoming

Cc via US MAIL:

The Honorable Mick Mulvaney, Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Ms. Neomi Rao, Administrator
Office of Information and Regulatory Affairs
C/o: Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

From: Burton, Tamika
Sent: Fri 6/29/2018 8:44:45 PM
Subject: Weekly report 6.29.2018
[6.29.2018.pdf](#)
[Weekly Report 6.29.2018.docx](#)

Good Afternoon,

Please find the Weekly Report for the week ending 6.29.2018.

Have a great weekend!

Tamika Burton

Staff Assistant to the Deputy Administrator

Immediate Office of the Administrator

MC 1104A Room 3412 WJC North

(202) 564-4771 (d)

Ex. 6 - Personal Privacy

burton.tamika@epa.gov



Region 1

Hot Topics

EPA Concludes the First Historic Community Gathering on PFAS

Region 1 and OA hosted the first PFAS Community Engagement session in Exeter, NH on June 25 and 26. The two-day event drew more than 250 participants. The first evening included presentations from six different community groups impacted by PFAS and nearly 50 people offered oral testimony. The second day included a moderated panel with representation from the six new England state environmental agency and NYDEC. Overall, the two-day community engagement event encouraged community members to voice concerns and feedback. The Summit will be incredibly valuable to the development of EPA's PFAS management plan and understanding of PFAS chemicals in New England. The event drew extensive national and regional press coverage.

Local Job Training Opportunities at the New Bedford, MA Harbor Cleanup Site

On June 21, a public meeting was held at Fairhaven Town Hall to discuss the progress made at the New Bedford Harbor cleanup over the past 6 months. Public response was positive. In addition, the Region is responding to community requests by working with the US Army Corps of Engineers and the contracting community at the site to see if it will be possible to provide a Superfund Job Training Initiative (SuperJTI) job training institute at the site in approximately 3 months. OLEM personnel indicated that the training can be brought to the Site if the contractors can demonstrate the need for a minimum of 8 trainees. We are also working with the City of New Bedford Department of Public Infrastructure to see if they can utilize trainees to help meet the 8 trainee minimum.

Lessons Learned During RCRA FIRST Training

On June 21, Maine Department of Environmental Protection (MEDEP) hosted a RCRA FIRST training provided by EPA for MEDEP and regulated facility representatives. The RCRA Facilities Investigation Remedy Selection Track (FIRST) Toolbox for Corrective Action distills practical lessons learned and experiences contributed by federal, state, and regulated community representatives involved with investigation and remedy selection. This toolbox is the result of two Kaizen events.

Advances in Clean Air Act Compliance as Vermont Fire Academy Trains Local Partners

On June 22, Region 1 sponsored an ammonia refrigeration training at the Vermont Fire Academy in Pittsford, VT. Attendees included industry representatives as well as state and local partners. The training provided important information on industry standards, regulatory requirements, safe ammonia refrigeration practices, and information concerning EPA's recent efforts to improve Clean Air Act compliance in this sector.

Upcoming Major Decisions and Events

Enforcement Team Meets with State Leadership

On July 9, RA Dunn and the Region 1 enforcement leadership team will meet with the Massachusetts Department of Environmental Protection enforcement leadership team to share enforcement priorities, discuss shared compliance assurance activities, communication protocols, and opportunities for EPA support and assistance. Earlier this week similar meetings occurred with the Maine Department of Environmental Protection and the New Hampshire Department of Environmental Services in Augusta, ME and Concord, NH, respectively.

Region 2

Hot Issues:

Chemours, Deepwater, NJ: Region 2 continues to coordinate with NJDEP to explore Gen-X contamination at the Chemours site in Deepwater, NJ. On 6/21 Chemours provided EPA sampling results for nearby monitoring and private wells, and the Pennsville public water supply. In three residential private wells, GenX was detected prior to existing point-of-entry-treatment 11, 13 and 14 ppt. Sampling after the GAC systems were non-detect (with a reported detection limit of 10 ppt). Six of eight monitoring wells showed GenX (the highest reported value was 280 ppt). Samples at the Pennsville public water supply system (PWS) were non-detect; Chemours is awaiting agreement from the Penns Grove PWS for access to sample. Chemours has collected additional process-related samples and will provide a full report next week. Region 2 and NJ DEP are formulating next steps and will provide an update to Headquarters shortly.

Incorporating Green Infrastructure into PR Building Code: Region 2 is engaging with the PR Planning Board and Construction Permits office to incorporate green infrastructure requirements into the PR stormwater construction regulations and the PR building code. This innovative effort will provide multiple environmental benefits for future growth and development in PR.

Operation of USVI Wastewater Treatment Plants: On 6/25, the USVI federal district court directed VIWMA to engage in mediation with their contract operator, Veolia, to address non-payment for operation of the St. Thomas and St. Croix sewage treatment plants. The contractor Veolia was poised to walk off the job as a result of nonpayment of \$5.6 million in contractual payments from the Authority. Region 2 has developed an alternate management strategy, should mediation fail, to ensure that the plants continue to operate.

PR Aqueduct and Sewer Authority - Extension of Forbearance Agreement: Region 2 continues to coordinate with Headquarters to seek structured repayment of the sum of roughly \$17 million in SRF loans from PRASA. Within the next week OMB and Treasury representatives associated with the Recovery Senior Federal Leadership Group (RSFLG), will be joining the effort to seek reimbursement from PRASA on behalf of EPA and other affected federal agencies.

PJP Landfill Superfund Site Excellence in Site Reuse Award Announcement: At a 6/28 press event in Jersey City, NJ, RA Pete Lopez announced that the PJP site is the recipient of this national award. The site highlights job creation and community recreation efforts which have resulted in employment of more 1200 people, and a payroll of nearly \$51 million annually as well the establishment of recreation trails opening up access to the Hackensack riverfront.

American Cyanamid SF Site (Bridgewater, NJ): Region 2 is receiving comments on the recently published proposed cleanup plan for the final Operable Unit at this site. Significant commentary was provided by NJ Sierra Club Chapter's comments congratulating EPA on the plan. The ROD for this cleanup will be signed by the Administrator (project cost exceeds \$50m).

Upcoming:

Columbia Smelting/Red Hook Ball Field SF Site (Brooklyn, NY): EPA will be joining The City of New York at a public meeting concerning this lead contamination site on July 11th. NYC will report it is significantly accelerating the cleanup.

Wolff-Alport/Gowanus SF Sites (Brooklyn/Queens, NY): In collaboration with Rep. Velasquez, EPA is coordinating an Open House for businesses that will be dislocated due to the remediation of this site. Region 2 is taking a proactive lead to provide comprehensive support to impacted business and is bringing federal, state and city

agencies, and NGOs such as the Chamber of Commerce, to provide a full spectrum of financial and technical assistance and guidance.

Region 3

Hot Topics

EPA and the Pennsylvania Department of Transportation have Agreed to Settle a Multi-Site Construction-Related Stormwater Case

EPA and the Pennsylvania Department of Transportation (PennDOT) have agreed to settle a multi-site construction-related stormwater case. The parties are resolving 191 violations for failure to perform self-inspections at construction sites and at least 18 violations for failure to implement best management practices. The settlement, encompassed in a Consent Agreement and Final Order as well as an Administrative Order on Consent, require PennDOT to pay a penalty of \$100,000, implement a Compliance Management Program and implement an environmentally beneficial program in the Codorus Creek Watershed.

Civil Rights Complaint Filed Against Virginia Department of Environmental Quality

By letter dated June 18, 2018, the Blue Ridge Environmental Defense League filed a complaint against the Virginia Department of Environmental Quality (VADEQ). This administrative complaint, which was filed with EPA's External Civil Rights Compliance Office (ECRCO) in the Office of General Counsel, alleges that VADEQ violated Title VI of the Civil Rights Act of 1964 through its permitting actions associated with the Atlantic Coast Pipeline (ACP). The ACP is a proposed 600-mile underground natural gas pipeline which will originate in West Virginia, travel through Virginia and end in North Carolina. The ACP project includes three proposed compressor stations—one at the beginning of the pipeline in West Virginia (Lewis County), one in central Virginia (Buckingham County) and one near the Virginia-North Carolina state line (Northampton County, NC). ECRCO has already acknowledged receipt of the complaint and now must decide whether to accept or reject the complaint for investigation. A similar Title VI complaint has been filed by an environmental group against the North Carolina Department of Environmental Quality (NCDEQ) regarding the ACP. As with the VADEQ complaint, ECRCO is deciding whether to accept or reject the NCDEQ complaint for investigation. Region III has spoken about this matter with ECRCO and will continue coordinating with it throughout the Title VI process.

Funding Approved for Time-Critical Removal Action at the Quad Avenue Chemical and Bio Fuels Site in Baltimore, Maryland

On June 22, 2018, an Action Memo was signed approving funds to mitigate the threats at an abandoned industrial facility in Baltimore where several businesses produced various epoxy and bio fuels products. Based on initial observations, more than one thousand containers of unknown contents are located onsite, which require response actions to secure, stabilize, characterize and segregate for off-site disposal the hazardous substances, pollutants or contaminants therein. Region 3 is now attempting to secure access to the premises in order to conduct the response actions.

First MDE/DoD Partnership Meeting in Four Years

On June 20, 2018, approximately 40 MDE and DoD representatives met at the EPA Environmental Science Center for the first MDE/DoD partnership meeting since 2014. EPA representatives, Kate McManus (WPD), Samantha Beers (OECEJ), Justin Young (OECEJ), Dan Isales (ORC) and José Jiménez (OECEJ) participated at the meeting. Secretary, Ben Crumbles offered the welcome remarks. Some of

the topics discussed were MCLs for PFOA and PFOS, MDE will continue to track greenhouse gases to achieve their 2050 target of 80 percent reduction, and Chesapeake Bay related topics like Watershed Implementation Plan (WIP) and BMPs. The meeting also included breakout sessions, to discuss important issues at specific DoD facilities, which included the Fort Detrick water release incident.

Region 4

Hot Issues

Draft Environmental Impact Statement (DEIS) for South Florida Water Management District (SFWMD) Section 203 Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area_

Key Message: Region 4 is in the process of finalizing the DEIS letter to the Jacksonville District of the Army Corps of Engineers (Corps) regarding the SFWMD's tentatively selected plan for modifications to the previously Congressionally-authorized Central Everglades Planning Project (CEPP). The proposed project's goal is to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, Water Conservation Area 3, Everglades National Park, and Florida Bay while increasing water supply for municipal, industrial and agricultural users to a greater extent than would be accomplished in the authorized Central Everglades Planning Project. Region 4 will likely send a letter supporting the project and concur with the Corps.

Mississippi Phosphates Corporation (Pascagoula, MS)

Key Message: Region 4 is in the process of finalizing the contracting options for the Mississippi Phosphates Corporation remedy using the artificial turf cover on the gypsum stack. Depending on the outcome of the Request for Proposals, the Region will likely decide between using one of the region's existing Emergency and Rapid Response Services contractors or the company providing the artificial turf.

North Carolina Radon Grant

Key Message: The North Carolina Department of Health is in violation of an EPA State Indoor Radon Grant (SIRG) due to the improper listing of a company on their website that has not received a passing rate under EPA's radon proficiency program. EPA is considering several options to deal with this including, (1) withholding SIRG funding; (2) deferring action until the state lawsuit is resolved; (3) continuing SIRG funding but requiring NCDOH to have a disclaimer on the website; (4) removing the terms & condition language from the NCDOH SIRG; or (5) evaluating Inspector nation to determine if it qualifies as a certified radon service provider. Anticipated briefing for AA Bill Wehrum scheduled for July 3rd.

North Carolina PFAS Meeting

Key Message: Region 4 is coordinating closely with HQ (OPA and OW) and the state of North Carolina on the upcoming PFAS engagement meeting, tentatively planned for the week of August 13th.

Upcoming Major Decisions and Events

Decisions

Grenada – The Region's position based on the information and proposed remedy submitted by the PRP.

Region 5

HOT ISSUES:

EPA and Illinois EPA Act on Elevated Levels of ethylene oxide in Willowbrook, Illinois

Key message: After identifying ethylene oxide (EtO) emissions from the Sterigenics facility, EPA and Illinois EPA, in partnership with the company, have taken actions to reduce emissions.

On June 26, Illinois EPA issued a construction permit, allowing Sterigenics to route previously uncontrolled EtO emissions to an existing scrubber. On June 27, EPA and Illinois EPA met with Sterigenics to discuss this project. Sterigenics expects to complete construction in 4-6 weeks and have committed to work cooperatively and share information about their reduced EtO emissions after the construction is completed.

Office of Inspector General Flint Report Expected to be Released Week of June 25

Key Message: The Region and HQ are coordinating on developing a desk statement in preparation for the release.

The agency has concurred with OIG's recommendations and provided a response on May 30, 2018. The Office of Water, the Office of Enforcement and Compliance and Region 5 have already taken steps to implement several of those recommendations and will continue to expeditiously adopt the rest.

Franklin, Indiana Residents Attribute Childhood Cancer Cases to Chemical Exposure

Key Message: EPA has been requested by a citizens group to investigate contamination in Johnson County, including the former Amphenol site, and will coordinate with Indiana Department of Environmental Management and Department of Defense.

EPA will evaluate old and new data at the former Amphenol site, a federal lead RCRA Corrective Action site, in order to determine whether additional remedial work is needed to protect the community from volatile organic compound exposure. EPA will address issues found at the Amphenol site to assure public health is protected from undue risk.

General Iron Emission Testing Results Received June 27

Key Message: Results show that the facility in one of Chicago's rapidly developing neighborhoods emits volatile organic compounds, particulate matter, chlorofluorocarbons, and detectable levels of metals, including zinc, mercury, and lead.

General Iron conducted the sampling as required by a Clean Air Act information request issued by EPA in November 2017. EPA is analyzing the results to assess accuracy and to determine whether General Iron is complying all applicable Clean Air Act and health standards.

UPCOMING EVENTS/MAJOR DECISIONS:

NONE

Region 6

Hot Topics

HP Cylinders Emergency Response, Baytown, Texas

Cylinder removal began work inside the fenced cylinder storage area to address 1500 abandoned and deteriorating cylinders of dangerous compressed. A total of 109 cylinders were inventoried and staged.

Lake Texoma Emergency Response, Bryan County, Oklahoma

The truck and trailer were recovered and secured on June 26, 2018 and discharged oil from the truck was removed for disposal. CERCLA response will involve the underwater recovery and removal of solvent based paints and muriatic acid. The Potential Responsible Party plans to conduct the recovery, removal and disposal of remaining hazmat.

Bird Creek, Osage County, Oklahoma

Technical discussion with the Respondents continue to progress. Region 6 has proposed three technical options to the respondents to address elevated saline conditions in Bird Creek and resolve EPA's administrative orders. The DOJ, EPA and three Respondents will hold the next settlement meeting the week of July 9.

Grants Mining District, New Mexico

Region 6 conducted confirmation sampling of a Section 25 residence site located in the Grants Mining District. Seven-day radon canisters were placed inside the residence and results are anticipated in two to three days. If results are greater than the acceptable standard of 4 pCi/l, EPA will proceed with a Removal Action with completion prior to July 1, 2018.

Illinois River Watershed, Arkansas and Oklahoma

Region 6 continues to conduct weekly calls with ADEQ Director Keogh and OK Secretary Teague to advance improvements to water quality in the watershed. The states have drafted an agreement to identify measures to meet the 0.37 mg/l phosphorus standard and a timeframe for completion. The agreement should be finalized and made public in July. Both states continue to engage stakeholders defining implementation measures including Cherokee Nation. EPA has scheduled modeling scenario training from July 9-11 in West Siloam Springs, OK.

Texas Regional Haze

EPA is subject to a Consent Decree (CD) to complete action on a plan to address best available retrofit technology (BART) for Texas regional haze and interstate visibility transport. There is a dispute between the parties whether EPA has performed the necessary action to lead to termination of the CD. In an earlier status report, EPA informed the court that it will publish a notice of proposed rulemaking (NPRM) in the Federal Register. On June 25, 2018, the court instructed EPA to inform the court by July 2 why it has not yet issued the NPRM and when it intends to do so. The region is drafting a declaration in response to this order which will explain the work conducted to date and a timeline for the NPRM.

Tar Creek Superfund Site, Ottawa County, Oklahoma

Region 6 plans to begin providing bottled drinking water to the property owners of an abandoned smelter site

located within the site. The Ottawa County Health Department reported that child who frequently visits the property has elevated concentrations of blood lead. Subsequent investigations by the Oklahoma Department of Environmental Quality (ODEQ) indicated elevated concentrations of lead in the soil. EPA and the ODEQ are meeting with the child's family this week to determine a course of action.

Louisiana Offshore Oil Port (LOOP), Louisiana

On June 28 Region 6 held technical discussions to better understand the operations of LOOP (Louisiana Offshore Oil Port) in the Gulf of Mexico, located approximately 18 miles off the coast of Louisiana. These discussions are critical to completing the NEPA compliance document to support the issuance of a new CWA permit (jointly by EPA Region 6 and LDEQ) as well understanding the operations at the Marine Terminal under the Deepwater Port Act to determine applicability of the CAA for the terminal.

EPA and New Mexico Produced Water Memorandum of Understanding

The terms and principles of a MOU for produced water have been agreed to by the State of New Mexico and EPA, and the document is being routed for signature. The immediate action under the MOU is for the parties to create a working group, create a white paper on produced water specially for NM and look at produced water management approaches including re-use, recycling, and renewable water.

Wilcox Oil Company Superfund Site, Bristow, Oklahoma

On July 10, 2018, Region 6 and the Oklahoma Department of Environmental Quality will host a public meeting to discuss the Source Control Proposed Plan for the Wilcox Oil Company site. This cleanup proposal will address tank waste and lead additive area sources, and provides for the cleanup of nine source areas, and implements a Superfund Taskforce recommendation. The public comment period starts June 28, 2018, and ends on July 31, 2018. Region 6 intends to issue a press release.

MacMillan Superfund Site, Norphlet, Arkansas

Region 6 intends to initiate a time-critical emergency response action to remove asbestos from the MacMillan Superfund Site which is currently on the National Priorities List. EPA conducted a site walk-through to observe site conditions at a former refinery site located adjacent to a middle school and a city park that contains asbestos contaminated areas. EPA is proposing the removal of the asbestos-impacted areas before school starts on August 15, 2018.

ExxonMobil Mont Belvieu Plant, Baytown, Texas

Region 6 and TCEQ continue to discuss technical concerns regarding the draft permit for ExxonMobil Chemical Company's Mont Belvieu Plastic plant. The draft permit includes a request for a temporary variance from the water quality-based whole effluent toxicity (WET) standards, and thus removal of the current WET limits for sublethal effects that became effective June 2016. The extended deadline for permit review is August 22, 2018.

City of Albuquerque, New Mexico

On June 25, the city of Albuquerque rejected the informal agreement offered by the EPA External Civil Rights Compliance Office as it was not responsive to the Title VI Complaint and "is not a fair resolution." Further, the city believes the information provided rebuts the allegations and the complaint should be dismissed.

Upcoming Major Decisions and Events

Donna Reservoir and Canal System Superfund Site, Donna, Texas

The Draft Record of Decision (ROD) for the Dona Canal Superfund site has been routed for review and comment by EPA Headquarters and Texas Commission on Environmental. The Draft ROD describes the EPA's Selected Remedy, and includes a "Responsiveness Summary" which responds to over 90 public comments received during the Proposed Plan public comment period. EPA is requesting that comments on the Draft ROD be provided within 30 days.

OK 2012 PM2.5 Transport SIP

Region 6 proposed final approval of Oklahoma 2012 PM2.5 Transport SIP submittal.

Oklahoma 2016 Air Permit Program Related Annual SIP Update

Region 6 proposed approval of selected revisions to the Oklahoma SIP submitted in their 2016 Annual SIP Update to revise incorporation by reference dates and emission inventory reporting requirements to be consistent with federal requirements.

July 7	Energy efficiency Summit with Congressman Burgess, Denton, Texas
July 10	Meeting with Richard Moore, NEJAC Co-Chair, Albuquerque, New Mexico
July 11	Regional Tribal Operations Committee Meeting, Albuquerque, New Mexico

Region 7

Hot Issues

Public Meeting at PCE Southeast Contamination Site (York, NE)

Key Message: Public meeting held on June 25 on the Proposed Plan for the PCE Southeast Contamination Superfund Site.

- A public meeting on the PCE Southeast Superfund Site Proposed Plan was conducted on June 25, 2018. Representatives from the EPA, the Agency for Toxic Substances and Disease Registry, the Nebraska Department of Environmental Quality, and county health departments were present. There were two attendees from the public.
- The Proposed Plan issued by EPA proposes thermal remediation of the source materials to remove the contamination and prevent a continued release to groundwater. The state concurs with the proposed remedy and there were no dissenting comments during the meeting. The public comment period runs from June 13 to July 13.

Train Derailment and Oil Spill in Doon, IA

Key Message: EPA is continuing to coordinate with BNSF, local and state entities on cleanup operations in response to an oil spill in Iowa.

- On June 22, a BNSF unit train hauling Heavy Crude Oil/Diluent Mix from Alberta, Canada derailed just south of Doon, Iowa. According to estimates, 230,000 gallons of crude was released into adjacent flood waters which travelled into the Rock River and downstream.
- EPA Region 7 deployed two On-Scene Coordinators and two START contractors to assess and oversee clean-up operations being conducted by BNSF. EPA is in Unified Command with Iowa Department of Natural Resources, Local Response entities, and BNSF and clean-up operations are ongoing.

Region 8

Hot Issues -

Libby Asbestos Superfund Site – Dissatisfied Property Owner Due to concerns with the presence of vermiculite in garden soil, a property owner requested further investigation by EPA. The property had been investigated in 2002 and 2015 and no response actions were warranted. The landowner was convinced that the presence of any vermiculite automatically meant that it presented a potential long-term health threat to anyone digging/tilling in the garden. EPA's Remedial Project Manager and Toxicologist explained during phone calls and on-site visits that risk to human health was determined by the presence of Libby Amphibole fibers and the post construction sampling confirmed non-detect for Libby Asbestos Amphibole. Ultimately, EPA offered to excavate 4 to 6 inches of soil in the garden area to remove any significant quantities of vermiculite in an attempt to satisfy the owner and assure site protectiveness. The landowner still thinks the excavation should go to 18 inch depths and was going to contact US Senator Tester about this issue. The Libby Team continues to work with the landowner on this issue.

Safe Drinking Water Act Emergency Administrative Order issued City of Casper, WY On June 26, 2018, the EPA issued a 1431 Order in response to a potential imminent and substantial endangerment at the City of Casper public water system (serving 56,343 residents) located in Wyoming. The City notified EPA on June 25, 2018, that the system found dead mice in a 10 million gallon finished water storage tank during an inspection of the tank. The tank was isolated from the system for the inspection, and will remain isolated until the tank is drained, disinfected and repaired, and the system is notified by EPA that the tank can be returned to service. The State of Wyoming does not have primacy for the drinking water program.

Upcoming Decisions/Events – None

Region 9

HOT TOPICS

1. **CAA Attainment Designation:** the acting Regional Administrator signed a Federal Register notice approving redesignation of the Chico (CA) 24-hour PM_{2.5} nonattainment area to attainment, based on clean air data from 2014 to 2016. Our close collaboration with the State and local air district enabled us to both propose and finalize this request within six months. This accomplishment contributes to the Agency Priority Goal of reducing the number of nonattainment areas.
2. **RCRA Settlement:** in a joint inspection and enforcement effort with the State of California, Region 9 finalized an administrative settlement with Rho-Chem for its Inglewood facility. The order includes payment of a \$120K civil penalty and completion of a \$352K SEP, in which emergency response air-sampling equipment will be furnished to the Los Angeles County Fire Dept. We will host a public event to focus on this SEP later next month.

UPCOMING DECISIONS AND EXTERNAL ENGAGEMENT

1. **Navajo Nation:** we will issue a final decision letter regarding the Navajo Nation's request for \$596K in Gold King Mine reimbursement, per an existing cooperative agreement. We will approve \$253K in eligible costs, and disapprove \$343K in unallowable costs. We will reach out to President Begay's office in advance of mailing our decision, and proceed to issue the \$253K reimbursement.
2. **Superfund:** Administrator Pruitt and Regional Administrator Stoker hosted the Casmalia (CA) Superfund ROD signing event June 28, followed by a meeting with Central Coast agricultural leaders from Ventura, Santa Barbara and San Luis Obispo Counties.
3. **Ports of Los Angeles/Long Beach:** RA Stoker will tour the Customs and Border Protection warehouse where EPA inspectors focus on FIFRA (legal pesticide imports) and CAA mobile sources (legal engine imports), followed by a tour of the Ports of Los Angeles and Long Beach infrastructure, with a focus on low-emission goods movement.

Region 10

Hot Issues

Detroit Lake HABs Recreational Advisory Lifted: Recent cyanotoxin concentrations have been low enough for consecutive days to lift the *recreational* advisory for Detroit Lake, a popular waterbody and drinking water source in Oregon. Likewise, the most recent drinking water finished water samples (since 6/7) have showed cyanotoxin concentrations below the advisory values; however, there are still detections of cyanotoxins at the intake to the plant, and the *drinking water advisory remains in place* while the City is working on adding new treatment. Oregon Health Authority is putting a temporary drinking water rule in place (expected by 7/1). The rule will require biweekly cyanotoxin sampling in surface water for the approximately 85 surface water Public Works Systems identified as potentially vulnerable. One question is the extent of the role “top-spill” at Detroit Dam in exporting cyanobacteria and/or toxins downstream to the intake. When the advisory began, the Army Corps of Engineers (Detroit Lake dam operator) further delayed NMFS-mandated (for Salmon protection) top-spill until 6/21.

Hanford Site, Richland, WA: In January, EPA and the Washington State Department of Ecology sent a joint letter to the Department of Energy invoking the “Creation of Danger” clause of the Tri-Party Agreement and required DOE to stop work on the demolition of the Plutonium Finishing Plant (PFP). We took this action due to multiple occasions of contamination spread (plutonium and americium) while tearing down PFP. Since that time, DOE’s contractor has prepared a revised plan on how to complete the work safely, and DOE had an expert panel review the proposal. EPA and Ecology sent a letter to DOE on June 25, 2018 conditionally lifting the stop work order for the remaining lower-risk activities. That work is not expected to restart until late July.

Upcoming Major Decisions and Events

UIC Class II Well Transfer from Idaho to EPA: The Administrator's Office is anticipated to sign-off on the UIC Class II well transfer package within the next several days. Region 10 Public Affairs is assisting the program in developing a basic communications plan, focused on communicating with key Idaho agencies on the decision. On August 25, 2017, Idaho Department of Water Resources DWR requested that EPA transfer primacy of the Class II program from the state to direct implementation of the program by EPA. In the following months, EPA notified the public of the transfer and started a rule revision process to update Title 40, Part 147 Subpart N of the CFR to codify the change in primacy.

Idaho Suction Dredge NPDES General Permit Coverage: EPA issued permit coverage for 15 suction dredgers after the USFWS completed Endangered Species Act consultations with the USFS on Moose, Orogrande, French and Lolo creeks in Idaho. These Biological Evaluations from the consultation now extend through 2022, but limit the number of dredgers allowed on each waterbody. These creeks were initially closed under the EPA issued general permit, but with the consolidated efforts of the USFS, USFWS, NMFS and EPA, permit coverage is now able to be granted on these waters.

Washington Tribes Accept Offer of Free Testing for PFAS: The Washington Department of Health (WADOH) offered free testing for Per- and polyfluoroalkyl substances (PFAS) to Tribes in the State of Washington meeting

their established criteria. A number of the Region 10 Tribes have accepted the offer. Data received from this project will help WADOH to understand and make informed decisions about PFAS for their rulemaking. Participating water systems will be responsible for conducting the sampling. All testing costs will be covered by the WADOH. The lab will send the Tribes a PFAS sampling brochure and sampling kit. The brochure gives step-by-step instructions, including illustrations, for taking a proper sample.

Office of Administration and Resources Management

Hot Issues

OARM Terminates the Suspension of Panoche Water District

On June 22, 2018, based upon a request by the Panoche Water District (PWD), the unique circumstances of the case, and PWD's ongoing effort to demonstrate its present responsibility, the Acting EPA Suspension and Debarment Official (SDO) terminated the suspension of PWD and issued a notice to show cause as to why a suspension is not necessary to protect the Government. The Show Cause Notice (SCN) was issued to address responsibility concerns raised by a State of California Felony Complaint in which PWD's former employees were charged with various offenses related to misuse of government funds for private purposes (Embezzlement and Misappropriation of Public Funds, and Conspiracy to Misappropriate Public Funds) and the unlawful transportation and disposal of hazardous waste. PWD previously received a \$5.6 million loan from the California Water State Revolving Fund, funded primarily by EPA grants, and has pending awards by DOI's Bureau of Reclamation. The termination of the suspension and issuance of the SCN restores PWD's eligibility to receive federal contracts and covered transactions pending resolution of these concerns by PWD.

FAIR Act Inventory

On June 27, 2018, OARM submitted to the Office of Management and Budget EPA's annual FAIR Act Inventory as prescribed by the Federal Activities Inventory Reform Act of 1998 under Public Law 105-270. The act provides a process for identifying the functions performed by federal government employees that are inherently governmental functions, and for other functions, i.e., commercial in nature. In September 2011, OMB released Policy Letter 11-01 Performance of Inherently Governmental and Critical Functions which defined inherently governmental work and clarified how to make the determination.

The recent assessment indicates that 35.6% of the agency's positions were coded as inherently governmental; 43.4% as critical; 12.7% as closely associated with inherently governmental, and 7.4% as other. The data is transmitted to OMB through the Max portal.

Upcoming Major Decisions & Events

None

Office of Air and Radiation

Hot Topics

- **Tracking SIP Actions:**
 - Total Number of SIPs submitted to Regions in FY 2018: 219
 - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 194
 - Total Number of Pending SIPs: 750
- **Packages that will move soon to Signature:**
 - Determination Regarding Good Neighbor Obligations for the 2008 NAAQS (Proposed Rule) – On track for signature today
 - National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards: Petroleum Refinery Sector Amendments
 - NESHAP: Portland Cement Manufacturing Industry Residual Risk and Technology Review (Final Rule): Consent Decree Deadline for Signature by July 15th
 - Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings (Withdrawal of Proposed Rule) – Note OAR is updating the package and will be submitting a new version to the 3rd floor soon.
- **Packages at OMB for Review:**
 - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration (Proposed Rule)
 - NESHAP: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture RTR (Proposed Rule)
 - Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes (Proposed Rule)
 - Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy (Proposed Rule)
 - Light - Duty Vehicle GHG Program Tech Amendments (Proposed Rule)
 - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (submitted to OMB but not yet showing up on reginfo.gov)
- **Packages that will move soon to OMB for Review:**
 - Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits (Final Rule)
 - Standards of Performances for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced Air Furnaces (Proposed Rule)
 - Standards of Performances for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced Air Furnaces (ANPRM)
 - Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Aggregation Reconsideration (Final Rule)

Upcoming Major Decisions and Events

- **Montreal Protocol:** On July 11th – July 14th, OAR Staff will serve on the U.S. Delegation for the Montreal Protocol's Open-Ended Working Group Meeting (OEWG) in Vienna, Austria for preliminary discussions ahead of the Meeting of the Parties (MOP) this fall. In addition to EPA staff, the U.S. Delegation will also include staff from State Department, the White House, and USDA.
- **SO2 NAAQS Public Hearing:** On July 10th, EPA will hold a public hearing here in Washington, DC on the recent proposal to retain the existing primary National Ambient Air Quality Standard for Sulfur Oxides.
- **RFS Public Hearing:** On July 18th, EPA will hold a public hearing in Michigan on the recently proposed volume requirements under the Renewable Fuel Standard program.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

Row	Determination Type	Pending on 6/26/2018	Determinations Completed ¹ as 6/26/2018	Determinations Posted on the Website as of 6/26/2018 ⁶
1	# of "not likely" determinations	1	124 ⁴	124 ⁴
2	# of §5(e) Orders signed by both EPA and the submitter	-	411	405
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	40	-	-
4	# of non-Order SNURs/"not likely" determinations	0	0	0
5	# of cases in post-FOCUS final determination development ⁵	322 ^{3,5}	-	-
6	# of cases flagged for in-depth review	40	-	-
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	34	-	-
8	# of LVE/LOREX exemption grants	-	618	610
9	# of LVE/LOREX exemption denials	-	121	121
10	Total number of cases	437	1274	-
11	Normal active workload for the New Chemicals Program	300	-	-
12	Number of cases undergoing testing or data development by submitter	72 ³	-	-
13	Backlog ²	65	-	-

"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

² (Total number of cases) – (Normal active workload for the New Chemicals Program) – (Number of cases undergoing testing or data development) = Backlog

³ Of these cases, approximately 58 are "active" lung toxicity cases that are suspended while submitters either conduct or are deciding whether to conduct testing to develop data on pchem properties, exposures and toxicity.

⁴ "Not Likely" determinations are not posted until the final signed determination document is prepared and has been shared with submitter.

⁵ These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURs coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter for signature; Row 4 when the SNUR is published and the not likely determination document is signed; and Row 1 when the determination document is sent to the OPPT OD for signature.

⁶ These are all only final determinations posted on the web: grants and denials.

Office of the Chief Financial Officer

Hot Topics

- OCFO continues to work with the agency to review the Senate Appropriations Committee budget hearing transcript and develop responses to the SAC QFRs. Dates have not been set yet for House or Senate floor action on EPA's appropriations bill.

Upcoming Major Decisions and Events

- OCFO continues to work with OCIR and OITA to support the July 18 Senior Leadership Council Engagement Meeting with states, tribes, local and other leaders and the July 19 Budget and Planning Meeting. These meetings will help identify opportunities to advance cooperative federalism and shared governance, and gather input from senior leaders on aligning resources to advance the Strategic Plan in the FY 2020 OMB Submission and in upcoming fiscal years.

Other

- June 26-27th, two dozen information technology/management leaders from EPA, states and tribes met at Massachusetts's Department of Environmental Protection in Boston to develop an environmental information technology roadmap for the future. Collectively, EPA, states and tribes spend tens of millions of dollars on IT investments annually. A technical roadmap will help ensure E-Enterprise partners optimize future technology investments, and acknowledging rapidly changing technology opportunities and challenges. This roadmap builds upon and helps direct the ongoing work of the Exchange Network that provides the technical infrastructure for sharing environmental data between EPA and all fifty states, territories, and many tribes. This topic will hold a prominent position on the agenda for the E-Enterprise Leadership Council face-to-face meeting planned for September in Washington DC.

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines

- July 10 - EPA has a public hearing on the Proposal to Retain the Existing Primary, or Health - Based, National Ambient Air Quality Standard for Sulfur Dioxide
(Will be held at EPA HQ- East Bldg.- Rm. 1117)

Upcoming Events

- July 25 – PFAS community engagement meeting in southeastern PA w/ OW, R3
- TBD – Sen. Tester (MT) staff briefing on Elk River Watershed w/OW, R8
- TBD – Approps staff briefing on PRIA fees w/OCSPP, OCFO
- TBD - SEPW/HEC staff briefing on TSCA first 10 chemical problem formulations w/ OSCPP
- TBD- Cong. Joyce (OH) request to brief Mentor, OH officials on GLRI (incl. potential funding)

Office of Enforcement and Compliance Assurance

Hot Topics:

Florida Developer Sentenced in Asbestos Case; Will Pay for Medical Monitoring of Exposed Workers

On June 22, 2018, Philip Farley was sentenced in the Middle District of Florida to 90 days of home confinement, an \$8,000 criminal fine, four years of probation, and 300 hours of community service. Farley will also pay \$250,000 in restitution to the University of Florida College of Public Health for an asbestos exposure surveillance fund for workers who were exposed during the renovation of the Urban Style Flats apartment complex. Farley was the developer of a 480-unit apartment complex in St. Petersburg, Florida. The purchase agreement for the apartment complex alerted Farley to the presence of asbestos in the building. Farley directed unprotected and untrained workers to renovate the buildings by dry-scraping textured ceiling material and breaking up floor tiles containing asbestos, which were then disposed of in a general waste dumpster and taken to the county incinerator. Farley pleaded guilty to negligently causing the release of asbestos.

Oil and Gas New Owner Audit Program Stakeholder Meetings

On June 28, 2018, OECA hosted a stakeholder meeting to help inform ongoing efforts to develop a New Owner Clean Air Act Audit Program tailored for the upstream oil and natural gas exploration and production sector. Participants include industry, environmental, state and tribal stakeholders. The stakeholder meetings are an opportunity for EPA to hear comment and discussion from stakeholders as the Agency continues to consider options for this program.

OECA and Georgia's Department of Agriculture Co-Host National Enforcement Pesticide Inspector Regulatory Training

OECA's Office of Compliance and Georgia's Department of Agriculture hosted over 45 state, tribal, and EPA pesticide inspectors from around the country in Savannah, Georgia to share best practices and to learn new skills. Classroom training sessions focused on inspections pertaining to the herbicide dicamba, inspector interviewing, report writing skills, communication, and enforcement. A field trip component also included a federal pesticide laboratory tour and a trip to a local nursery to perform a mock Worker Protection Standard inspection.

ECHO Updates Improve Features and Usability

OECA has improved the frequency for addressing user feedback and Agency Priorities in the Enforcement and Compliance History Online (ECHO) website. Some recent improvements include different ways to refine facility searches and customize search results, the ability to search for public drinking water systems that have had sanitary surveys, the option to search for facilities located in Census block groups within an 80th or higher national percentile of one or more of the primary environmental justice indexes of EJSCREEN, and the ability to review Clean Water Act Multi-Sector General Permit annual report data.

Upcoming Major Decisions and Events:

On July 11, 2018, the Acting Director of OECA's Federal Facilities Enforcement Office and other EPA leaders will attend the DOD/EPA semiannual meeting in Crystal City, Virginia. This engagement meeting was developed as part of Superfund Task Force Recommendation #41.

Office of Environmental Information

Hot Topics

Environmental Information Technology Roadmap for the future

- Brief description: This week, under the guidance of the E-Enterprise (EE) Initiative, two dozen Information technology/management leaders from EPA, States and Tribes are meeting at Massachusetts's Department of Environmental Protection (MassDEP) in Boston to develop an environmental information technology roadmap for the future. For nearly two decades, EPA has worked jointly with its coregulators to successfully implement and operate an "Exchange Network (EN)" that is providing the technical infrastructure for sharing environmental data among EPA and all fifty States, territories, and many tribes. A technical roadmap is needed to ensure EPA and its partners optimize future investments in future "EN" functions to address the rapidly changing technology that present both new opportunities and challenges. In preparation for the meeting, the group researched technology trends and conducted interviews of the commissioners, tribal leaders and EPA senior executive members of the EE Leadership Council to identify key business concerns/opportunities over the next ten years. The group will use this information to guide discussions that will include identifying:
 - New collaborative opportunities for sharing applications, services and data across EE partners as we move toward cloud platforms.
 - Enhanced service to industry and the public as EE partners leverage machine learning and other forms of artificial intelligence to address routine business tasks.
 - Advances in analytics and sensor technologies that can greatly enhance EPA and EE partner efforts to predict and address environmental problems (e.g., algal blooms) before they happen.
- Who benefits or cares: Information technology/information, leaders, managers and staff across EPA, state and tribal agencies, and ultimately EPA, our coregulators, industry and the public.
- Why this is important: EPA, states, and tribes collectively spend hundreds of millions of dollars on IT investments each year. By working collaboratively to develop a joint technical roadmap, we can more efficiently and effectively coordinate investments that avoid duplication and optimize their business value.
- Additional information:
 - Please visit: <https://www.epa.gov/e-enterprise>
 - Contact: Andrew Battin, Director, Office of E-Enterprise, OCFO, (202) 566-2140; Matthew Leopard, Director, Office of Information Management, OEI, (202) 566-1698

Office of General Counsel

Hot Topics

- *Northwest Env'tl Advocates v. EPA*, No. 2:17-cv-01664-RSL (W.D. Wash.). New development: On June 25, the court granted plaintiff's motion for summary judgment and ordered EPA, by June 29, 2018, to "complete its action" pursuant to CWA 303(d) on 73 total maximum daily loads ("TMDLs") that the State of Washington submitted for approval/disapproval in December 2015. The court's order was expected, as EPA had conceded that it did not act on the TMDL submissions within the statutory 30-day time period. Consistent with its representations to the court, EPA Region 10 intends to complete its action on the submitted TMDLs (a combination of approvals, disapprovals, and "no action" for 10 no-longer-impaired waters) by the June 29 deadline.
- *Food & Water Watch v. EPA*, No. 1:18cv1497 (D.D.C.). New development: On June 25, Food & Water Watch filed a suit alleging that EPA did not respond within the statutory time period to a FOIA request seeking records concerning the Definers Public Affairs consulting company contract and communications with Definers and Allen Blutstein.
- *Honeywell International Inc., et al., v. Mexichem Fluor, Inc. et al.*, (Sup. Ct.). New development: On June 26, petitioners filed a petition for certiorari requesting that the Supreme Court review the D.C. Circuit's decision in *Mexichem Fluor, Inc. v. EPA*. In *Mexichem*, two companies that market HFCs challenged an EPA rule that changed the Significant New Alternatives Program (SNAP) listings under CAA Title VI of certain HFCs from acceptable for use in specific uses (e.g., refrigeration and foam blowing) to unacceptable for such use. The court granted the petition for review in part and vacated the rule "to the extent that it requires manufacturers to replace HFCs with a substitute substance." Honeywell and Chemours, two companies that market competing products, were intervenors on behalf of EPA in the *Mexichem* case. NRDC also intervened on behalf of EPA in the underlying case.

Upcoming Major Decisions and Events

- 7/12 Hearing in *Sierra Club v. Pruitt*, motion to enforce judgment requiring EPA to complete pulp mill Risk and Technology Review.

Office of International and Tribal Affairs

Hot Issues:

CEC Council Session - The Administrator opened the CEC Council Session in Oklahoma City and hosted U.S., Canadian, and Mexican delegations at the National Weather Center and Tom Love Innovation Hub at the University of Oklahoma. The Administrator announced three new trilateral initiatives: 1) Extreme Events Mapping Initiative for North America; 2) Extreme Events Advisory Group for North America; and 3) Innovation Hub Network with universities in U.S., Canada and Mexico. In addition, the CEC announced the launch of the North American Traditional Ecological Knowledge Atlas.

Annual SelectUSA Investment Summit -

EPA (OITA) staffed SelectUSA's Annual Investment Summit, organized by the International Trade Administration within Department of Commerce. The purpose of event was to promote foreign direct investment in the U.S and the event was attended by state economic development agencies and potential foreign investors. EPA answered questions about the mission of the Agency, and informed participants of various programs designed to assist them in complying with U.S. environmental regulations.

Upcoming Major Events/Decisions

Australian Cooperation - The Administrator will meet with Australian Minister of Environment and Energy on July 12 and sign a Memorandum of Understanding of bilateral cooperation.

Office of Land and Emergency Management

Hot Topics

1. Coal Combustion Residuals (CCR). (see below)
2. Clean Air Act 112(r) Risk Management Program (RMP) Reconsideration NPRM. The public comment period ends July 30, 2018.
3. Ongoing major Superfund NPL sites (including Colorado Smelter, East Chicago, West Lake, Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates, Oak Ridge, Edwards AFB, Berry's Creek, American Cyanamid).
 - a. We are working with Region 10 to prepare for a briefing with the Deputy Administrator on July 3 regarding the Hanford 100 D/H Area ROD; the Administrator's briefing has been scheduled for July 16.
4. CERCLA 108(b) Financial Assurance – Next Three Sectors. We are working with OGC, OP, and the AO to plan our approach to the next three sectors.
- 5. PFAS.**
 - a. We are working with ORD and OW to develop groundwater cleanup recommendations for PFOA and PFOS.
 - b. OLEM is working with the AO, OGC, OECA and other AAships to look at available statutory mechanisms for PFOA and PFOS to be "hazardous substances" under CERCLA.

Upcoming Major Decisions and Events

1. BUILD Act. A notice to solicit comment on aspects of the BUILD Act was published this week in the FR. Comments are due by July 10, 2018.
2. Coal Combustion Residuals.
 - a. The proposed rule is with OMB and we anticipate signature soon.
 - b. Approval of Oklahoma's CCR permit program was published in the FR today.
 - c. Georgia submitted its CCR permit program application to EPA.
3. E-Manifest Launch. We plan to issue a press release on June 29, for the launch on June 30. We are evaluating an OIG management alert.
4. Hazardous Waste Pharmaceuticals Final Rule. This rule package is with OMB for review.
5. Hazardous Substances Spill Prevention Proposed Rule. This rule package was published in the FR on June 25 and comments are due by August 24, 2018.

Office of Policy

Upcoming Major Decisions or Events

Cost & Benefit Comment Extension: This week, the Federal Register will publish a 30-day extension to the comment period for the advanced notice of proposed rulemaking entitled "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process."

OP

Number of Actions to OFR this Year:

- Signed by Regions:
 - Notices: 47
 - Proposed Rules: 154
 - Direct Final Rules: 10
 - Withdrawal of Proposed Rule: 1
 - Withdrawal of Direct Final: 4
 - Final Rules: 124
- Signed by HQ:
 - Notices: 248
 - Proposed Rules: 40
 - NPRM Extension: 1
 - Direct Final Rules: 1
 - Withdrawal of Direct Final: 1
 - Interim Final: 2
 - Final Rules: 75
 - Corrections: 1

Number of Actions to OFR this Week (June 22 – June 28):

- Signed by Regions:
 - Notices: 1
 - Proposed Rules: 9
 - Direct Final Rules: 0
 - Withdrawal of Proposed Rule: 0
 - Withdrawal of Direct Final: 0
 - Final Rules: 7
- Signed by HQ:
 - Notices: 17
 - Proposed Rules: 2
 - NPRM Extension: 0
 - Direct Final Rules: 0
 - Withdrawal of Direct Final: 0
 - Interim Final: 0
 - Final Rules: 2
 - Corrections: 0

Active Interagency Reviews from OMB	
Title	OMB Due Date
DOI/FWS & DOC/NOAA/NMFS NPRM (Call w/ OMB and Services): "Endangered and Threatened Wildlife and Plants; Revision of Regulations for Interagency Cooperation"	06/29/2018
DOI/BLM FRM: "Waste Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision of Certain Requirements"	07/03/2018
DOD/USACE Draft Regulatory Guidance Letter (RGL): "Determination of Compensatory Mitigation Credits for the Removal of Obsolete Dams and Other Structures from Rivers and Streams"	07/13/2018
DOT/PHMSA FRM: "Pipeline Safety: Plastic Pipe Rule"	07/18/2018

Documents Submitted to OFR from June 21 - 26, 2018		
FRL	Title	Date Submitted to OFR
9980-19-Region 10	Air Plan Approval; ID, Incorporations by Reference Updates and Rule Revisions	6/26/2018
9980-18-Region 4	Air Plan Approval; Tennessee; Attainment Plan for Sullivan County Sulfur Dioxide (SO2) Nonattainment Area	6/26/2018
9979-82-Region 1	Air Plan Approval; Vermont; Infrastructure State Implementation Plan Requirements for the 2012 PM2.5 NAAQS	6/26/2018
9979-25-Region 6	Approval and Promulgation of Implementation Plans; Arkansas; Interstate Transport Requirements for the 2012 PM2.5 NAAQS and Definition Update	6/26/2018
9979-15-Region 6	Approval and Promulgation of Implementation Plans; Arkansas; Revisions to Minor New Source Review Program	6/26/2018
9976-04-OCSP	Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint	6/26/2018
9980-08-Region 5	Air Plan Approval; Michigan; Revisions to Volatile Organic Compound Rules	6/25/2018

9979-46-OCSPP	Lambda-Cyhalothrin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment	6/25/2018
9979-45-OCSPP	Access to Confidential Business Information by [Industrial Economics Incorporated]	6/25/2018
9979-14-OCSPP	Certain New Chemical Substances; Receipt and Status Information for March 2018	6/25/2018
9978-35-OCSPP	Pesticide Product Registration; Receipt of Applications for New Uses	6/25/2018
9979-58-OEI	NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities (Renewal)/ICR No.2277.05	6/25/2018
9979-95-OEI	Contractor Conflicts of Interest (Renewal)/ICR 1550.11	6/25/2018
9980-06-OEI	Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases under CERCLA Section 123 (Renewal)/ICR 1425.11	6/25/2018
9979-77-OEI	NESHAP for Primary Aluminum Reduction Plants (Renewal)/ICR No.1767.07	6/25/2018
9980-09-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report	6/22/2018
9979-99-Region 10	Air Plan Approval; Washington; Interstate Transport Requirements for the 2012 PM2.5 NAAQS	6/22/2018
9979-97-Region 7	Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa	6/22/2018
9979-75-OCSPP	Guidance on Expanded Access to TSCA Confidential Business Information; Notice of Availability	6/22/2018
9979-74-OCSPP	Mercury; Reporting Requirements for the TSCA Mercury Inventory	6/22/2018
9979-59-OCSPP	TSCA Chemical Substances; Unique Identifier Assignment and Application Policy; Notice of Availability	6/22/2018
9979-02-OCSPP	Guidance for Creating Generic Names for Confidential Chemical Substance Identity Reporting under TSCA; Notice of Availability	6/22/2018
9978-62-OCSPP	TSCA Alternative Testing Methods Final Strategic Plan; Notice of Availability	6/22/2018
9980-00-Region 10	Air Plan Approval; Alaska; Interstate Transport Requirements for the 2012 PM2.5 NAAQS	6/21/2018
9979-91-Region 2	Approval of Air Quality Implementation Plans; New York; Subpart 225-1, Fuel Composition and Use - Sulfur Limitations	6/21/2018
9979-90-OW	Previously-incurred Costs in the Water Infrastructure Finance and Innovation Act (WIFIA)	6/21/2018
9979-86-Region 7	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Omaha	6/21/2018

	Lead Superfund site	
9979-85-Region 7	Approval of Nebraska Air Quality Implementation Plans; Adoption of a New Chapter under the Nebraska Administrative Code	6/21/2018
9979-57-Region 6	Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology in the Houston-Galveston-Brazoria Ozone Nonattainment Area	6/21/2018
9979-05-OAR	Call for Information on Adverse Effects of Strategies for Attainment and Maintenance of National Ambient Air Quality Standards	6/21/2018
9978-70-OCSP	Fluroxypyr; Pesticide Tolerances	6/21/2018
9979-38-OLEM	Brownfields Utilization, Investment and Local Development (BUILD) Act	6/21/2018
9979-31-Region 10	Ocean Dumping; Withdrawal of Designated Disposal Site; Grays Harbor, Washington	6/21/2018
9979-52-ORD	Second External Review Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria	6/21/2018
9979-56-ORD	Review of the National Ambient Air Quality Standards for Ozone - Call for Scientific and Policy-Relevant Information	6/21/2018
9979-09-Region 6	Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for South Louisiana Methanol L.P., St. James Methanol Plant in St. James Parish, Louisiana	6/21/2018

Office of Research and Development

We had positive engagements this week with state and local health officials during the annual meetings of the National Environmental Health Association and the State Environmental Health Directors of the Association of State and Territorial Health Officials. NEHA featured A Conversation with EPA's Public Health Leaders. We also participated in the 2018 Tribal Environmental Health Summit with tribal communities and other federal agencies.

We wish all a safe and restful Independence Day.

Hot issues

EPA Helps Germany Respond to Ricin Contamination Incident

Scientists from ORD's National Homeland Security Research Center and Office of Emergency Management's Consequence Assessment Division, provided technical support to Germany's Federal Information Centre for Biological Threats and Special Pathogens (IBBS) within the Robert Koch Institute. This public health institute is supporting the response to a ricin incident in Cologne, Germany, where authorities foiled a man's plan to build a biological weapon out of ricin. The attempted production of this weapon contaminated an apartment and the subsequent response resulted in contamination of law enforcement's specialized equipment (e.g., electronic headsets). EPA provided technical expertise related to cleanup including the latest research studies to support the remediation of the apartment and decontamination of the specialized equipment.

Second Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter

On June 26th, the federal register notice announcing availability of the Second Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria (NOxSOxPM-Eco) was posted. The draft report and updated websites are available for public access (<https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=340671>). The deadline for comments is September 4th, 2018.

Follow-up on Technical Support for Toxic Algal Bloom Event in Salem, Oregon

ORD is providing continued technical support to Region 10, the State of Oregon, and the City of Salem for a toxic algal bloom event that occurred in Detroit Lake, a reservoir that is a drinking water source for the city. ORD staff are travelling to Portland this week to help the Oregon Department of Environmental Quality set-up EPA Method 546 (Determination of Total Microcystins and Nodularins in Drinking Water and Ambient Water by Enzyme-Linked Immunosorbent Assay) on a Cyanotoxin Automated Assay System.

Office of Water

Hot Issues

WOTUS: Today, OW anticipates moving forward for Administrator signature the Step 1 supplemental notice of proposed rulemaking to repeal the 2015 Rule and recodify the prior regulations. In the supplemental notice, the EPA and the Army seek to build off the July 27, 2017 notice of proposed rulemaking by providing a more in-depth discussion of the reasons why the agencies are proposing to repeal the 2015 Rule and recodify the pre-2015 regulations. The public comment period will be 30 days.

Memorandum of Understanding Between the State of New Mexico and the EPA Addressing Produced Water:

Next week, OW and Region 6 anticipate finalizing for signature a *Memorandum of Understanding (MOU) Between the State of New Mexico and the U.S. Environmental Protection Agency* to facilitate greater collaboration to address the re-use, recycling, and beneficial use of waters originating from oil and natural gas activities (produced water). Region 6 and the Office of Water have been working with the state leadership in New Mexico's Energy, Minerals, and Natural Resources Department to develop the MOU which outlines the establishment of a working group and development of a white paper identifying produced water opportunities under state and federal law in New Mexico.

Puerto Rico SRF: This week, the EPA reached agreement to extend the forbearance with the Puerto Rico Aqueduct and Sewer Authority (PRASA) for a period of three months. During this period, PRASA will make payments of \$833,000 per month. This agreement allows the parties time to develop a long-term solution for restructuring PRASA's debt.

Per- and poly-fluoralkyl (PFAS) Community Engagement: This week, the EPA held the first of the PFAS community engagement events in Exeter, NH. Over 200 participants from states, federal partners, nonprofit organizations, and the general public attended. Following the National PFAS Leadership Summit, this event allowed EPA to hear directly from New England communities and other participants on how to best help states and communities facing this issue. The next engagement is scheduled in Pennsylvania at the end of July. Other meetings in Colorado and North Carolina are being coordinated for later in the summer.

Clean Water Act (CWA) 404(c) Revisions Rule: This week, the Administrator signed a memorandum outlining changes the EPA will propose to update the implementing regulations for section 404(c) of the Clean Water Act.

From: Burton, Tamika
Sent: Fri 7/28/2017 5:48:05 PM
Subject: Updated: Agency Weekly Report 07282017
[Weekly report 07282017.docx](#)

Hello,

If you are having difficulty viewing the file, please see attached.

Best Regards,

Tamika Burton

Staff Assistant

Office of the Deputy Administrator

MC 1104A Room 3412 WJC North

(202) 564-4771 (d)

Ex. 6 - Personal Privacy

burton.tamika@epa.gov

From: Burton, Tamika
Sent: Friday, July 28, 2017 1:42 PM
Subject: Agency Weekly Report 07282017

Good Afternoon,

Please see the attached weekly report.

Best regards,

Tamika Burton

Staff Assistant

Office of the Deputy Administrator

MC 1104A Room 3412 WJC North

(202) 564-4771 (d)

Ex. 6 - Personal Privacy

burton.tamika@epa.gov



WEEKLY REPORT – 07/28/2017

REGION 1

Hot Issues

New Bedford

The City of New Bedford has agreed to pay EPA \$1.6 million as reimbursement for costs EPA incurred for its cleanup of the Parker Street Waste Site.

- In 2012, EPA sampled 88 parcels and cleaned up 44 residential homes at the Parker Street Site. EPA incurred a total of \$18 million in Site response costs.
- EPA alleged that the City has liability for the cleanup costs because the City originally owned and operated the Parker dump, which accepted coal ash and hazardous substances from local industries.
- Based upon its poor financial condition and documented inability-to-pay, the City has agreed to pay EPA \$1.6 million upon the effective date of the Agreement, which is subject to a thirty-day public comment period ending on August 21, 2017.
- The Massachusetts Department of Environmental Protection supported EPA in its cleanup action but was not involved in this settlement.

Issuance of Sunapee, NH NPDES permit

Next week, Region 1 plans to issue a final NPDES permit for the discharge of treated domestic wastewater from the publicly owned treatment works in Sunapee, NH to the Sugar River.

- The permittee did not submit comments on the draft permit and has expressed interest in receiving the final permit to facilitate planning for long overdue treatment plant upgrades.
- Comments were received from outside parties regarding EPA's authority to set an effluent flow limit, which has been set at the facility design flow. The flow limit does not create any financial burden for the permittee, as their effluent flows are currently well below the limit.
- Although the permittee has not expressed concerns and did not comment on the draft permit (which makes them ineligible to appeal the final permit), it is conceivable that outside parties might appeal.

Upcoming Public Events

None previously unreported

Upcoming Major Decisions

None previously unreported

Highlights from Last Week

Several tours have recently been conducted for various groups of Upward Bound students.

- Staff conducted a tour on marsh regulation, protection and restoration at Belle Island Marsh in East Boston. Students also heard from the Massachusetts Department of Conservation and Recreation Marsh Manager.

- Staff led a tour for Lowell, Massachusetts students, including Upward Bound high school students, of the Deer Island Treatment Plant. The Massachusetts Office of Technical Assistance also participated.
- Staff led a field trip for Upward Bound students on Cape Cod about nitrogen pollution. The students traced groundwater and nitrogen through a watershed and learned about efforts to control nutrient pollution on Cape Cod.

REGION 2

Upcoming Hot Issues and Important Deadlines

- Wolff-Alport Superfund Site proposed cleanup plan published on July 27. This is a site in Queens County, New York City. The site has radiological contamination from Wolff-Alport Chemical Company's operations from 1920-1954. The company is defunct. The site is now commercial, with 5 operating businesses; the surrounding area is largely residential. EPA performed an emergency removal action starting in 2012 to address immediate threats to worker and residents. The proposed cleanup plan will address long-term risks. The plan includes permanent relocation of the 5 businesses; demolition of the contaminated buildings; cleaning/replacing contaminated sewers; and excavation and off-site disposal of an estimated 24,300 cubic yards of contaminated soil, sediment and debris. The estimated cost of the remedy is \$39.4 million, in addition to \$3.5 million already spent on the removal action and investigation. Considerable press interest is expected. A public meeting is scheduled for August 16.
- US Avenue Burn Superfund Site proposed cleanup plan published on July 27. This is a site in Gibbsboro, NJ, one of three sites associated with past disposal activities of the Sherwin Williams paint company. Under the proposal, about 60,000 cubic yards of soil contaminated with lead and arsenic will be removed and disposed of off-site. Over 800 additional cubic yards of contaminated sediment will be removed from two streams. After excavation, the areas will be restored with appropriate vegetation. A public meeting on the plan will be held August 10. Local press interest is expected.

Upcoming Public Events

- Hudson River Five Year Review Public Meeting: The third and final public meeting will be on 8/9 in New York City. This meeting was added to the schedule at the request of stakeholders and Senators Schumer and Gillibrand. An announcement of this meeting will be issued on July 27.

Past Week Accomplishments

- Region 2 conducted an Active Shooter drill on 7/27. The drill took place in our New York City office; a similar drill was carried out at our Edison, NJ facility in November, 2016. Nearly 300 employees participated in the drill. This very valuable drill was supported by EPA's Security Management Division, and law enforcement officers from EPA's Criminal Investigations Division, the Office of Inspector General, and the Federal Protective Service.
- Action on NJ and NY CWA §303(d) Lists. On 7/21 Region 2 sent a letter to NJ providing full approval of its 2014 list of impaired waters. The same day Region 2 sent a letter to NY providing partial approval and partial disapproval of its 2016 list. The notice providing a 30-day comment period regarding EPA's proposed decision to add 71 waterbody/pollutant combinations to NY's list has been sent to HQ.
- Proposed NYC Filtration Avoidance Determination issued by NY for public comment. On 7/21 the NYS Dep't. of Health, in consultation with EPA Region 2, released the draft 2017

FAD for public comment (previously reported). The FAD would be applicable for a 10-year period; it imposes a variety of watershed and water quality protection obligations on NY City in order to allow the City's Catskill/Delaware water supplies to remain unfiltered. The FAD is the result of a highly innovative collaboration among federal, state and local governments.

- Agreement with Montgomery County, NY regarding the Beechnut Nutrition Corp. Superfund Site. On 7/21 Region 2 entered into a Memorandum of Agreement (MOA) with Montgomery County related to this site in Canajoharie, NY. The MOA releases and waives EPA's CERCLA §§107(l) and 107(r) liens in return for a 50% share of proceeds from any future sale of the Site property. The MOA enables the County to foreclose on the Site property for unpaid property taxes and take title. This, in turn, will allow the County to obtain grant monies to clean up asbestos contamination at, and redevelop, the Site. We anticipate the County will perform removal activities under an agreement with EPA and pursuant to EPA oversight. EPA became involved at the Site following a request by the State of New York to address the hazardous conditions posed by asbestos there.

REGION 3

Hot Issues

ALJ Issues Order Granting in Part EPA's Motion for Partial Accelerated Decision as to Liability against FMC Corporation. [Docket No. FIFRA-03-2015-0248] On July 17, 2017, Administrative Law Judge Christine D. Coughlin issued an Order granting, in part, EPA's Motion for Partial Accelerated Decision as to Liability in the administrative matter filed in 2015 alleging unlawful acts of FIFRA by FMC Corporation of Philadelphia, PA. The ALJ found that FMC was liable for unlawful acts under FIFRA, arising from FMC's advertisements about Stallion Insecticide, FMC's registered pesticide classified for restricted use. The ALJ determined that FMC's direct mail, periodical and website materials were "advertisements" within the meaning of FIFRA based on the common meanings of the terms "advertise" and "advertisement."

The ALJ deferred EPA's request to rule on the number of advertising violations (which EPA alleges is 12,273) until after the hearing to be held in Philadelphia. The remainder of EPA's allegations – that FMC sold or distributed the unapproved, misbranded pesticide Stallion Insecticide on 106 occasions in violation of Section 12(a)(1)(E) of FIFRA – will be tried at the hearing along with penalty. The Judge also denied FMC's request for oral argument on EPA's motion.

These violations pose potential harm to human health and the environment. The Agency's classification of Stallion Insecticide as a restricted use pesticide means that the Agency deemed Stallion too risky to be used by anyone other than a certified applicator, or someone supervised by such applicator. Any advertisements that omit the required restricted use statement could result in purchase and illegal use by unqualified consumers, posing harm to them and to the environment. Selling or distributing a misbranded pesticide product represents potential harm to the environment, especially where, as here, the pesticide name implies that it can be used on horses rather than the intended target crops (e.g., alfalfa). Although this case was referred to Region III by EPA HQ and did not arise from a state inspection, several state lead agencies have provided support to Region III's enforcement efforts in this matter.

Department of Justice Moved to Dismiss the Complaint Filed by Environmental Groups Challenging EPA's Denial of Petition to Exercise EPA's Residual Designation Authority for the Back River in Maryland

The Department of Justice has filed a motion to dismiss the complaint filed in federal district court by the Natural Resources Defense Council, American Rivers and Blue Water Baltimore challenging EPA's denial of their petition to exercise EPA's residual designation authority for the Back River in Maryland. In their complaint, Plaintiffs allege that (1) EPA violated a CWA nondiscretionary duty by failing to determine whether commercial, industrial, and institutional discharges in the Back River watershed contribute to violations of water quality standards; and

(2) EPA's denial of the RDA Petition was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act (APA). In its motion, the government argues that the court lacks jurisdiction over these claims because Plaintiffs have not alleged a mandatory duty enforceable under the CWA citizen suit provision and also because the CWA provides review in circuit court and not in the district court.

Illinois State Court Enters Order Resolving Multi-Regional EPA CERCLA Claims in Centaur Receivership Action and Approves Settlement Agreement for Past and Future Response Costs for the Hanlin-Allied-Olin Superfund Site

On July 12, 2017, the Illinois Circuit Court of Cook County, entered an order allowing EPA's \$8,750,000 LCP Chemicals claim in the Centaur Insurance Company (Centaur) Receivership Action. The Order also authorized the distribution of Centaur estate assets for the payment of the EPA claim, as set forth in the settlement agreement between the United States and Centaur.

This Order resolves Region 3's insurance claim for past and future response costs at the Hanlin-Allied-Olin Superfund Site (Site) in Moundsville, West Virginia. The claim was asserted in the national receivership action and arose out of an Excess Umbrella Policy issued by Centaur to LCP Chemicals & Plastics, Inc., under which LCP Chemicals-West Virginia, Inc., a former owner and operator of the Site, was a named insured. This Order finalizes a multi-Regional settlement agreement with Centaur, wherein Region 3 will receive \$2,916,667 out of the total allowed amount of \$8.75 million for LCP's liability at the Hanlin-Allied-Olin Site, to be deposited in a special account for the Site.

This agreement will fund Superfund cleanup actions at the Site for soil and groundwater contamination consisting of mercury and other hazardous substances. The State of West Virginia is actively involved in the cleanup and is aware of this settlement. This is a direct implementation claim for the federal government which arises under the state receivership statute and the Federal Priorities Act.

Environmental Groups File Mandatory Duty Suit Against EPA

On October 15, 2016, the Environmental Integrity Project and Sierra Club ("Petitioners") jointly filed a petition to object to a Title V permit issued by Pennsylvania Department of Environmental Protection (PADEP) to the Wheelabrator facility in Frackville, PA. EPA has a statutory duty to respond to such petitions within 60 days of receipt. These responses are not delegated to the Regions and must be signed by the Administrator, and EPA has not yet responded to the Petition. However, Region III's office of Permitting and State Programs ("OPSP") has been working with PADEP to address the concerns raised in the Petition, as well as issues raised by EPA during our routine review of the proposed permit. The issues largely pertain to the adequacy of the permit's monitoring requirements as they pertain to particulate matter. On December 22, 2016, the Petitioners provided EPA with Notice of Intent to sue for

failure to respond to the Petition. On July 20, 2017, Petitioners formally filed suit against EPA. OPSP is continuing to work with PADEP to fix the issues in the permit and hopefully resolve the Petition and the litigation.

Maryland Issues Notice of Intent to Sue EPA for Failing to Act

In a July 20, 2017 letter, Maryland Department of the Environment Secretary Grumbles gave Administrator Pruitt notice that the State of Maryland intends to sue EPA for missing the July 15, 2017 deadline for acting on Maryland's 126 petition. On November 16, 2016, the State of Maryland petitioned EPA under Section 126 of the Clean Air Act (CAA), alleging that 36 power plants located in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia significantly contribute to Maryland's nonattainment of the 2008 and 2015 ozone national ambient air quality standards (NAAQS) or interfere with its maintenance of those standards. EPA has 60 days to respond to such petitions. However, EPA extended that deadline, as allowed under the CAA if EPA determines that the extension is necessary to adequately address the petition, including the requirement for public notice and comment. On January 3, 2017, EPA extended the deadline to respond to Maryland's 126 petition to July 15, 2017 (82 FR 22).

From Brownfield Site to Girls' Group Home in Wayne County, West Virginia

On July 25, 2017, Wayne County, West Virginia celebrated the ribbon cutting of the new Golden Heart Apartments in Kenova, West Virginia, which lies on an EPA-funded brownfields site. The 11-unit complex was built for the Golden Girl Group Home, an organization that helps girls between the age of 12 and 18 who have been neglected, abused or abandoned. Wayne County used EPA's Brownfield assessment funds to aide in the redevelopment of this wonderful home. In addition to EPA's funds, Cabell Huntington Hospital and Toyota helped fund the building project, which includes a resource center, and several one and two-bedroom units. EPA's logo was displayed on the ceremonial banners.

Residential Sampling at Dimock, Pennsylvania

The Region was informed that ATSDR is performing sampling in Dimock, PA. Approximately 20 household wells are scheduled to be sampled starting July 30th. This is a follow up on the sampling efforts that were completed back in 2012. ATSDR is focusing on drinking water and radon indoor air. They will not be sampling groundwater or surface water, unless these are sources of a person's drinking water/bulk water. A factsheet was developed and shared with residents that describes the sampling effort.

Upcoming Public Events

On August 4, 2017, Acting RA Rodrigues will be awarding the North Side Industrial Development Company an additional \$600,000 in brownfields funding to continue their work at the property of a former steel fabrication shop. They received a Community Wide Assessment Grant from EPA in 2011 for \$83,174 to assist with the environmental assessment needed at the site. This year's funding will be directed towards the construction of 150 housing units with a publicly accessible courtyard. Pittsburgh Mayor Peduto will be in attendance. Congressman Mike Doyle, Senator Wayne Fontana, and Secretary McDonnell of PADEP have been invited, but have not confirmed to date.

Acting RA Rodrigues has been informed that Governor Hogan will be inviting the RA and others to attend a meeting on August 8, 2017 to discuss proposed next steps associated with the sediment concerns at Conowingo Dam.

Past Events

On July 21, 2017, Acting RA Rodrigues signed the Final Rule approving the incorporation of the progress report and adequacy determination on the reasonable progress goals established for regional haze into the District of Columbia's state implementation plan. No comments were received during the public comment period.

On July 24, Acting RA Rodrigues signed the Direct Final Rule which approves the updated portion of the Pennsylvania SIP that includes regulations on open burning. The revisions clarify and codify existing policies in order to address emissions from open burning. We do not anticipate any public comments to this rule.

WEEKLY REPORT – 07/28/2017

REGION 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- (Update) Region 4 staff are preparing controlled responses for signature by the Region 4 acting Regional Administrator in response to correspondence from several citizens in the Cape Fear River area about GenX.
- (Update) NC DEQ plans a press release regarding the Round 4 sampling event this week. The Governor requested daily weekday sampling at the Chemours outfall. EPA's Office of Research and Development is assisting with analysis.
- (Update) Region 4 NPDES staff and NC DEQ staff will participate in a site visit of the Chemours Fayetteville, NC, facility on July 27, 2017.

Kentucky Petition on Reformulated Gasoline (RFG) Requirements

Key Message: On April 18, 2017, the Commonwealth of Kentucky petitioned the Administrator to allow the Northern Kentucky area comprised of Boone, Campbell, and Kenton Counties to opt out of the RFG program, effective July 1, 2017. The Commonwealth contends that because continued improvements in ozone concentrations, ozone attainment in this area is no longer dependent on the RFG program. On June 23, 2017, Kentucky provided a predraft submission of the noninterference demonstration to support their petition.

- (Update) The week of July 17, 2017, R4 staff and KYDEP discussed comments on the predraft submission. Kentucky addressed all but one critical comment and put their submission out to public review on July 21, 2017. Region 4 received the prehearing package from Kentucky on July 25, 2017, with a request for comment no later than August 21, 2017.

Kentucky Federal Implementation Plan (FIP) for 2008 Ozone Standard "Good Neighbor Provision" Requirements

Key Message: The statutory deadline for EPA to promulgate the Kentucky FIP to address Kentucky's obligations under the "Good Neighbor Provision" in 42 U.S.C. § 7410(a)(2)(D)(i)(I) for ozone emissions originating in Kentucky that might be transported to New York and other

downwind states was June 2, 2016. EPA missed the deadline; the Sierra Club filed suit and the State of New York intervened.

- On May 23, 2017, the U.S. District Court for the Northern District of California issued summary judgment for plaintiffs and ordered the EPA to promulgate the Kentucky FIP by June 30, 2018. The Court will retain jurisdiction over the case until then.
- (Update) Kentucky sent follow up questions which are currently under review by Region 4 and the Office of Air Quality Planning and Standards (OAQPS). OAQPS is working on suggested dates for a follow up call with Kentucky on their questions.

Ensysstex, II Imports Matter – ENFORCEMENT CONFIDENTIAL

Key Message: Region 4 is recommending a Stop Sale, Use or Removal Order (SSURO) to allow Ensysstex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance. On July 19, 2017, Region 4 submitted a request to the Office of Enforcement and Compliance Assurance (OECA) to expedite a decision to proceed with the issuance of the SSURO.

- Region 4 received OECA's approval on July 20, 2017, and the Office of Pesticide Programs' approval on July 25, 2017.
- Region 4 will issue the SSURO by July 28, 2017.

Kentucky Acute Selenium Water Quality Standard Approval

Key Message: On July 24, 2017, Region 4 signed a letter approving the Commonwealth of Kentucky's removal of their acute aquatic life criterion for selenium.

Oak Ridge Reservation, Oak Ridge, TN

Key Message: A Senior Executive Committee is scheduled for July 27, 2017, in Nashville, Tennessee with EPA, DOE, and TDEC.

- The meeting will focus on addressing concerns related to:
 - The Department of Energy (DOE) Oak Ridge Reservation's (ORR) elevation to formal dispute regarding its position that (1) the Remedial Investigation/Feasibility Study (RI/FS-D5) should be finalized as is and (2) the draft Proposed Plan (PP) for the Environmental Management Disposal Facility (EMDF) based on that RI/FS should be reviewed.
 - A formal dispute regarding the waste disposal landfill EMDF, which was elevated to the ORR Senior Executive Committee on June 30th. The Regional office has coordinated with EPA Headquarters' offices (FFRRO, FFEO, OSRTI and OGC) regarding siting and protectiveness concerns of the proposed landfill. A Joint Position of the EPA and TDEC Division Director will be provided.
- The SEC dispute resolution period ends on July 31, 2017.

Mississippi Phosphates Corporation Site, Pascagoula, MS

Key Message: Due to heavy rainfall events, a 72-hour emergency bypass was implemented on July 25, 2017, to maintain necessary freeboard.

- Emergency bypass is the release of partially treated wastewater associated with the Site. Partially treated means that the Site wastewater is pH adjusted to between six (6) and nine (9) standard units using 50% sodium hydroxide.
- Bypass was coordinated with all federal/state/local partners involved with the response action. Moderate media interest with the bypass effort is being managed through Public Affairs.
- Prior to bypass, background samples were taken in Bayou Casotte. Upon initiation of bypass and throughout the duration of the bypass, samples will be taken at the high and low daily tides. The pH remains between 6 and 9 following treatment for pH.

Milan Army Ammunition Plant, Milan, TN

Key Message: On July 25, 2017, the Preliminary Closeout Report (PCOR) for the Milan Army Ammunition Plant was signed by the Region 4 Superfund Program, documenting achievement of the important Construction Completion milestone for this federal facility site.

- The PCOR highlights the completed construction activities: the construction of 55 caps, excavation of approximately 17,400 tons of explosive-contaminated soil, and construction of three Groundwater Treatment Plants.
- Remaining activities at Milan include the re-use of production lines, leasing igloo storage areas to outside vendors, and selling parcels of uncontaminated land.
- The next target, Partial De-listing of the Southern Portion of the Site, is anticipated for December 2018.

Upcoming Public Events

August 8, 2017 - Public meeting in Clover, SC, to provide an update on the status of the non-time critical removal action wellhead treatment systems, groundwater monitoring program, continued measures to address re-vegetative storm water controls, dam rehabilitation, and the site's selection for the Regional Site Reuse Award

August 10, 2017 - Public meeting in Ashe County, NC to address community questions regarding the waterline extension project.

Upcoming Major Decisions

Terry Creek Dredge Spoil Areas/Hercules Outfall, Brunswick, GA

Key Message: Pre-Referral Notice (PRN) to DOJ for implementation of the Terry Creek OU1 ROD (\$4.5 M), anticipated by end of July 2017.

- The Interim ROD for OU1 was signed on June 19, 2017. EPA is currently preparing a PRN package for DOJ, and should be ready to send to DOJ by the end of July 2017.

- Following the PRN, EPA plans to issue Special Notice letters to Hercules to initiate RD/RA CD negotiations.

Last Week Highlights

None this week.

WEEKLY REPORT – 07/28/2017

REGION 5

HOT ISSUES:

EPA Sued Over Approval of Ohio's Impaired Waters List

Key Message: The July 18, 2017 complaint claims that EPA's decision to approve Ohio's Impaired Waters List was arbitrary, capricious, and not in accordance with the CWA.

On May 19, 2017, EPA approved Ohio's list after extensive coordination with the state and HQ. The approval letter noted that Ohio would "continue to evaluate options for developing objective criteria for use in making decisions regarding the Western Basin for the 2018 list." Press coverage can be viewed [here](#).

The plaintiffs allege that EPA's approval of Ohio's list was arbitrary and capricious because EPA failed to assess the open waters of Lake Erie for impairment due to harmful algal blooms (HABs) as required by Section 303(d) of the CWA. The filing also cites EPA's approval of Michigan's impaired waters list, which includes the open waters of Lake Erie as impaired. The suit requests that EPA partially disapprove Ohio's impaired waters list and add the open waters of Lake Erie to the list.

UPCOMING EVENTS:

Bringing 'Cooperative Federalism 2.0' to Life in Region 5

Key Message: Region 5 and its State Directors are kicking off a strategy to improve our process for collectively working together.

During the week of July 31, Acting RA Robert Kaplan and MPCA Commissioner John Stine will share a proposed approach with other Region 5 State Environmental Agency Directors for bringing "Cooperative Federalism 2.0" to life in Region 5. The plan is to start with some collective brainstorming on the ECOS' Cooperative Federalism 2.0 paper and follow that with a series of virtual meetings. In order to aid the formulation process, Region 5 has developed a template that includes feedback questions to help individuals focus and share their ideas.

This effort is a follow-up to the Region 5 EPA-State Directors meeting in June 2017.

Region 5 to Hold July 31 Open House for Jacobsville Superfund Site in Evansville, Indiana

Key Message: The open house will serve as an opportunity for residents to learn about the lead-contaminated soil cleanup.

Region 5 officials will provide information to residents and answer questions about lead soil

sampling, results and public health concerns.

EPA continues to remove contaminated soil at residential properties and recreational areas located at the Jacobsville site. So far, 2000 properties have been cleaned and 300 properties are targeted for clean up this summer and fall, leaving an additional 2000 properties to complete. In 2004, EPA added the site to the National Priorities List, a list of the worst contaminated sites in the country. EPA is planning additional work for 2017 through at least 2020.

Governor Holcomb to Host Secretary Ben Carson at August 7 Public Meeting in East Chicago, Indiana

Key Message: The topic of the meeting will be the now vacant public housing in Zone 1. EPA's only role is assisting with air monitoring during the proposed demolition.

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS:

Lead Levels in Flint are at Seven Parts Per Billion, Below the Federal Action Level

Key Message: At a press conference on July 26, MDEQ, in coordination with Region 5, released the results from the most recent six-month monitoring period and also announced the closure of some water distribution sites.

This is the second consecutive six-month monitoring period during which Flint tested below the federal action level of 15 ppb. The results continue to show a significant improvement of Flint's water quality. EPA is encouraged by the improvement in Flint's water quality and will continue to use its Administrative Order to ensure safe drinking water for Flint residents.

In addition to the lead level announcement, the city also announced that they would begin closing five of the nine points of distribution for bottled water and filters (PODs) next month. The remaining four PODs will remain open "indefinitely." There has been significant press coverage, some of which can be found [here](#) and [here](#).

Region 5 Hosted a Public Meeting to Discuss the Kalamazoo River Superfund Site Cleanup

Key Message: The July 25 public meeting attracted a significant number of attendees and was overwhelmingly positive. There has been positive press coverage of the event, some of which can be found [here](#).

Region 5 personnel discussed the proposed plan to clean up PCBs and other contaminants in the

Kalamazoo River between the Otsego City Dam and the former Plainwell Dam, known as Area 2 of the Allied Paper/Portage Creek/Kalamazoo River Superfund site. EPA's proposal includes capping, bank excavation, floodplain soil excavation, Gun River excavation, and river channel realignment.

WEEKLY REPORT – 07/28/2017

REGION 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Bird Creek, Pawhuska, Oklahoma

Sampling of all surface water bodies was completed by July 1st. Samples were sent by chain of custody to the Houston Laboratory for analysis. Data was also downloaded from the 18 surface water monitors, which were put in place to detect any changes in total dissolved solids during the time injection wells were shut-in. Most analytical results from the Houston Lab have been provided to the regional UIC and enforcement programs for review. EPA is working on a communications strategy to notify impacted parties of the monitoring results and next steps. A second round of data from the 18 surface water monitors is being collected this week. EPA contacted the operators of 7 wells within 1 mile of the seeps in Bird Creek to ask them to voluntarily shut in their injection wells. We found that the Mississippi chat formation was highly pressurized and likely in communication with the surface due to injection. Further review is underway to determine if the shut in area needs to be expanded.

Tar Creek, Picher, Oklahoma

EPA intends to continue field sampling to fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed investigation area. The sampling is being accomplished through joint coordination and cooperation with Region 7; the states of Oklahoma, Missouri and Kansas; the Quapaw, Peoria, Ottawa, Miami, Eastern Shawnee, Wyandotte, Seneca-Cayuga, and Cherokee tribes; and other federal and state agencies (U.S. Fish and Wildlife, U.S. Geological Survey, Oklahoma Department of Wildlife).

The Quapaw Tribe Environmental Office will continue source material excavation at Distal 10 and hauling to the central repository. Site preparation (i.e., grubbing, haul roads) will continue at Distal 12. The Quapaw Tribe Environmental Office will continue confirmation sampling at Distal 10, under cooperative agreements with the EPA. The Oklahoma Department of Environmental Quality will continue the remedial action work at Beaver Creek under a cooperative agreement with the EPA. The ODEQ will also continue the preparation of the Operable Unit (OU) 2 (Residential) Commerce remedial action work plan and cost estimate, and continue planning for the public meeting currently scheduled for August 15, 2017.

Hope Iron and Metal, Hope, Arkansas

EPA intends to continue on-site removal activities at the Hope Iron and Metal Superfund Site. All grids with soil contamination on-site are currently excavated. Removal activities for contaminated soil began on two residential properties adjacent to the site. Restoration activities

on-site are 90 percent complete. Completion is expected in early August.

Ruiz Foods Facility, Denison, Texas

EPA intends to conduct a Clean Air Act Risk Management Program inspection of the Ruiz Foods facility in Denison, TX. The regulated facility is classified as a *High Risk facility* and is also part of the National Enforcement Initiative for ammonia.

Rowlett Creek Regional Waste Water Treatment Plant Facility, Denison, Texas

EPA intends to conduct a Clean Air Act Risk Management Program inspection of the Rowlett Creek Regional Waste Water Treatment Plant facility in Denison, TX. The regulated facility is classified as a *High Risk facility* for chlorine.

Fort Hood Army Base, Killeen, Texas

EPA intends to conduct a RCRA Compliance Evaluation Inspection at Fort Hood Army Base. The purpose of the inspection is to determine whether Fort Hood is compliant with RCRA regulations, and confirm the hazardous waste operating status of the facility. Under the Federal Facility Compliance Act of 1992, EPA or its representatives are required to inspect every Federal Facility that treats, stores or disposes of hazardous waste. Fort Hood was identified as a facility that should be inspected, based on Region 6 data mining evaluation, a technique on which the States have been trained. The Texas Commission on Environmental Quality (TCEQ) was invited to participate in this inspection, but advised Region 6 that we should proceed without them.

Vallourec Star, LP, Houston, Texas

EPA intends to conduct a Compliance Evaluation Inspection at the Vallourec Star tubular goods Facility in Houston, Texas. The facility's wastewater operations will be evaluated in accordance with the CWA for capacity, management, operations, and maintenance in order to protect public health and the environment. Compliance with permit conditions, the accuracy of information submitted, and the adequacy of sampling and monitoring conducted will also be evaluated. The investigation is part of the EPA's National Industrial Wastewater Initiative (NEI). TCEQ inspectors were notified of the inspection and invited to participate.

Odfjell Terminals, Seabrook, TX

EPA intends to send an *information request letter* to Odfjell Terminals in Seabrook, TX to evaluate remedies for potential noncompliance concerning the facilities' flare operations.

Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The facility has a history of noncompliance related to flaring. Region 6 plans to issue the information request letter on August 7, 2017. The Region will notify TCEQ before issuing the letter.

Chevron Phillips Chemical, Pasadena, TX

EPA intends to send an *information request letter* to Chevron Phillips Chemical facility in Pasadena, TX to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The facility has a history of noncompliance related to flaring. TCEQ will be notified before issuing the letter.

Shell Offshore, Inc., New Orleans, LA

EPA intends to send an *information request letter* to Shell Offshore, Inc., New Orleans, LA, to evaluate RCRA compliance of Shell Offshore's offshore facilities in the Gulf of Mexico. The letters will be issued in the next two weeks.

Xutapa Properties LLC, Pawhuska, Oklahoma

EPA intends to issue a *public notice* for a Consent Agreement and Final Order (CAFO) to Xutapa Properties, LLC (Respondent). The US EPA Administrative Complaint alleged that inspection observations show the Respondent maintained seven injection wells located in the Landon Field of the Osage Mineral Reserve in Osage County, Oklahoma, in a manner that may allow movement of fluids into underground sources of drinking water. The CAFO requires Respondent to pay an administrative penalty of \$42,500.00 for violations of Section 1423 of the Safe Drinking Water Act, 42 U.S.C. 300h-2(e) and failure to comply with an EPA Administrative Compliance Order. Comments will be solicited for 30 days.

Falcon Refinery Superfund Site, Port Aransas, Texas

EPA intends to issue a *public notice* for the proposed plan for Operable Unit O1 (Site Wide Groundwater) for the Falcon Refinery site. EPA is taking public comments on its preferred remedial approach of no action for the shallow groundwater at the site. The comment period should be completed on August 30, 2017.

Jones Road Groundwater Plume Superfund Site, Houston, Texas

EPA intends to issue *public notice* for the proposed plan to select a remedy for two soil zones which are continuing sources of contaminants to groundwater at the Jones Road site, Harris County, Texas. The public comment period will be completed on September 5, 2017.

Fruit Avenue Plume Superfund Site, Albuquerque, New Mexico

EPA intends to issue a *public notice* for the Proposed Plan for a Record of Decision for the Fruit Avenue Plume Superfund Site. EPA is taking public comments to expand the use of Monitored Natural Attenuation as the site-wide remedy for the ground water plume. This alternative will allow for the decommissioning of the existing pump and treat facilities, and return the property to the city. The alternative also facilitates the reuse of the property and promote further redevelopment in the area. The comment period is scheduled to run through August 28, 2017.

RKR Feeders, LLC., Clayton, New Mexico

EPA intends to issue a *public notice* for the proposed permit seeking renewal of coverage under the New Mexico CAFO General Permit. The comment period is scheduled for 30 days.

RFL Clayton, Clayton, New Mexico

EPA intends to issue a *public notice* for the proposed permit seeking renewal of coverage under the New Mexico CAFO General Permit. The comment period is scheduled for 30 days.

Clayton Cattle Feeders, Clayton, New Mexico

EPA intends to issue a *public notice* for the proposed permit seeking renewal of coverage under the New Mexico CAFO General Permit. The comment period is scheduled for 30 days.

Jackpile-Paguate Uranium Mine Site, Laguna Pueblo, NM - Site Visit & Scoping Meeting

On August 2–3, 2017, EPA plans to meet with Atlantic Richfield and the Pueblo of Laguna to discuss scoping document deliverables and planning activities associated with the Remedial Investigation/Feasibility Study (RI/FS) for the site. Members intend to participate in a pre-site tour discussion and a site visit of the former mine. Activities will close with a wrap-up discussion. EPA intends to gain a better understanding of the strategies Atlantic Richfield will use while conducting the RI/FS after collaboration on proposed approaches for expediting and maximizing resources. Discussion will also include the Pueblo community outreach needs, working with the technical team and scheduling a potential community Open House in September 2017.

Final Approval for April 2017 Updates to the State of Texas Water Quality Management Plan (WQMP). The week of July 24-28, 2017, the Water Division plans to approve updates to the Texas Water Quality Management Plan (TX WQMP) submitted by TCEQ. The WQMP update was developed by TCEQ staff pursuant to Section 26.036 and 26.037 of the Texas Water Code and satisfies federal Water quality management planning regulations and grant requirements under Sections of the Clean Water Act. The WQMP update has been reviewed by local planning agencies, appropriate state agencies, and TCEQ staff. The TCEQ held a public comment period as required by Section 26.037 of the Texas Water Code and federal regulations.

UPCOMING PUBLIC EVENTS

August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.

August 8 – State Environmental Directors’ Meeting, Dallas, Texas (Tentative)

September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 12-14 – US Mexico Border National Coordinator Meeting, Mexico City, Mexico

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting RA will keynote.

UPCOMING DECISIONS

Arkansas Regional Haze

Arkansas proposed its SIP addressing a portion of the Regional Haze requirements on July 12, 2017, and submitted to EPA for parallel processing. EPA will act expeditiously to propose the SIP. On July 13, 2017, EPA’s Narrow FIP revision was published in the Federal Register to extend the NOx compliance dates by 21 months to January 27, 2020. The extension was requested by industry to provide them certainty that they have time to work with EPA and the State on a Regional Haze SIP without the compliance clock running down. EPA also continues to track the national CSAPR remand action as the Arkansas Regional Haze SIP depends on the NOx CSAPR for BART.

Texas Regional Haze

Region 6 is preparing documents for the Administrator on a Texas Regional Haze Intrastate Trading Program BART SIP. EPA is using all available resources to develop the Federal Action by September 9. EPA has a September 9 CD deadline that requires EPA to finalize a plan.

PAST WEEK ACCOMPLISHMENTS

Public Water System Supervision Program Revision for the State of Louisiana

EPA intends to approve the State of Louisiana revisions to its approved Public Water System (PWSS) program for the Revised total Coliform Rule and the Groundwater Rule. EPA has determined that the RTCR and GWR primacy applications submitted are no less stringent than the corresponding federal regulations and therefore an approval is warranted.

Proposed Rule and Direct Final Rule for the Arkansas Hazardous Waste Program

EPA approved a direct final rule that proposes to authorize the State of Arkansas for State-initiated changes to their hazardous waste program and codifying the State's base hazardous waste program revisions. EPA is publishing this rule without prior proposal because the actions are not controversial and no opposition is expected.

PENDING ACTIONS (Pending Federal Register Publication)

Arkansas Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program (EPA-R06-0680)

WEEKLY REPORT – 07/28/2017

REGION 7

Hot Issues

St. Louis, MO Asbestos Response

Key Message: Superfund Continues to Support City of St. Louis

- EPA is continuing to assist the City of St. Louis with response to asbestos released from a July 12th fire. The Agency is continuing to conduct air monitoring at 9 stations in and around the affected area (including residential areas) and is following up with residents who have contacted the St. Louis City Health Department reporting fire debris on their property.
- To date, no asbestos fibers have been detected in any of the 9 monitoring stations. The PRP contractors are conducting cleanup operations and air sampling where cleanup operations are occurring, and have begun an initial aerial assessment of rooftops in the affected area.
- EPA representatives will attend a meeting hosted by the Mayor's office on Friday July 28, and will report out on progress achieved to date.

Last Week's Highlights

Doe Run Project Meeting

Key Message: Discussion on Actions at Lead Contaminated Sites

- On July 20, EPA Superfund, RCRA, and Counsel staff attended a meeting with Doe Run Counsel and project staff to discuss a variety of Superfund sites including Herculaneum Slag Storage, Big River Residential and Mine Waste, Tri-State, Indian Creek, and City of Viburnum.
- During the meeting, attendees discussed the status of release of financial assurance account funds for actions completed at the Oronogo-Duenweg site, closeout of several administrative orders for work at the Big River site, potential for combining work at the Viburnum sites under the time-critical removal action, status of EPA's review of the Herculaneum slag storage area water management plan, and renewal of the Viburnum Remedial Action Plan.

Withdrawal of TMDL for West Fork of Black River (Doe Run)

Key Message: EPA Coordinated with MDNR on Withdrawal of TMDL

- The Region completed its withdrawal of the West Fork of the Black River TMDL on July 21st. The TMDL targeted nutrient pollution, stemming from a citizen complaint about algae growth in a downstream swimming hole. Doe Run holds a NPDES permit for discharge into the River. The MDNR is intending to issue the Company's renewed permit in late July or early August.

- The new permit will no longer have to “consider” the nutrient TMDL. The TMDL is no longer necessary because over 1200’ of the River’s course was altered during a subsidence event at a Doe Run Mine. The MDNR concurrently acted to withdraw the TMDL; the EPA also took action on the TMDL established by the EPA in late 2010 as a “backstop” to the state’s response to a TMDL-related Consent Decree from the late 1990s.

11th Annual Public Health and Safety Fair

Key Message: Region 7 Staff Educate Kansas City Families on Healthy Homes

- On Saturday, July 22, Region 7 Indoor air, lead, and environmental justice staff participated in the 11th Annual Public Health and Safety fair sponsored by State Rep. Sharon Curls held at Arrow Head Stadium.
- Information was shared with the public regarding protecting families from lead, reducing asthma triggers, and reducing household hazardous waste in the home. The event was attended by several hundred Kansas City area families, many who live in pre-1978 housing, or who have family members that suffer from allergies or asthma.

This Week’s Highlights

Five Year Review for Red Oak Landfill Superfund Site

Key Message: Human Health and the Environment Protected at Red Oak Landfill Superfund Site

- The Red Oak Landfill Superfund Site in Iowa was placed on the NPL in 1986 and was contaminated with hazardous substances of various metals and chlorinated solvents including polycyclic aromatic hydrocarbons.
- The remedial action was performed in 1997 which consisted of an engineered low-permeability cap and institutional controls and the site was delisted from the NPL in 2005. The Agency has conducted 4 Five-Year-Reviews (FYR) at the site with the most recent signed by R7 on 7/26/17.
- This latest FYR found the remedial actions implemented at the site remain protective of human health and the environment.

Childhood Blood Lead Testing in Iola, KS

Key Message: EPA and ATSDR are Promoting Voluntary Childhood Blood Lead Testing

- EPA is participating in an ATSDR sponsored event to promote blood lead testing of children from July 27 through August 6 in Iola, KS. ATSDR will have an information booth at the Allen County Fair from July 27 to July 29. EPA will also have a booth to provide information about the soil testing and cleanup activities currently underway in Iola.
- Following the Fair, EPA personnel will accompany ATSDR as they go door-to-door asking parents for permission to test their children who are under 84 months of age.

- Actual blood testing will be performed at Iola High School August 3-6.

Region 7 Hosts 4 State Superfund Program Director Meeting

Key Message: EPA and State Representatives Attend the Semi-Annual Program Meeting

- On July 25-26, EPA Region 7 hosted a 4-State Superfund/Brownfields Program Director meeting at the Regional Office attended by R7, IDNR, KDHE, MDNR, and NDEQ as well as representatives from OSRTI, OEM, FFRRO, and OBLR.
- The first day focused on regional and state updates, brownfields topics, and presentations on Region 7 field support capabilities, land revitalization, state program dashboards, and state LEAN implementation. The second day focused on Superfund emergency response, removal, and remediation and included programmatic updates from EPA HQ, and information sharing discussions on a variety of remedial and removal topics of interest to the states.
- The next 4-State Superfund/Brownfields Program Director meeting is scheduled for January 2018.

WEEKLY REPORT – 07/28/2017

REGION 8

Hot Issues

Update on PFC Contamination in Security, Widefield, and Fountain, Colorado.

Key Message: Region 8 staff attended three meetings on July 25, where the Air Force presented the findings of its site inspection report on PFC contamination of groundwater and soil on the Peterson Air Force Base. Colorado Department of Public Health and Environment (CDPHE), El Paso County Public Health, Security Water and Sanitation District, Fountain Water District, state and local elected officials, and Congressional staff were also present at the meetings.

- Approximately 150-200 people attended the open house meeting where the public could ask questions of individual agencies. EPA answered questions about the health advisories for PFOS and PFOA, whether EPA will regulate these chemicals in drinking water, and EPA's role.
- Some members of the public voiced concerns that the EPA wasn't doing more to help remediate contamination or pay for water treatment. Several others thanked the EPA for being engaged and the work we have done to date.
- The Air Force site inspection report confirms that the Air Force is one possible source of PFC contamination in the Widefield Aquifer. The Air Force plans to conduct a phase 2 site investigation starting this fall, and begin remedial work in 2019.
- Region 8 and OLEM have discussed concerns that the Air Force is not proceeding as quickly here as it is at other PFC sites across the country and that the Air Force is only partially reimbursing water systems and households for water treatment costs.
- We are exploring options including engagement between EPA and Air Force senior leadership regarding making the Peterson AFB PFC issues a higher priority due to the large population affected by this site and the high degree of public interest.

Upcoming Public Events

None.

Upcoming Major Decisions

Addressing Air Quality Issues on Uintah and Ouray Reservation

Key Message: (Decision needed from AO) Region 8 is ready to begin working on an Advanced Notice of Proposed Rulemaking for a proposed FIP for the U&O Reservation to address concerns raised by several industry representative and the Ute Tribe.

- Based on preliminary data the Uintah basin would be designated nonattainment in October 2018.
- Industry representatives and the Ute Indian Tribe have emphasized the need for EPA to develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.

- On June 1-2, 2017, EPA R8 met with several industry representatives and the Ute Indian Tribe to discuss options to allow energy production to continue post-nonattainment designation, while also ensuring that new/modified sources do not cause or contribute to ozone exceedances.
- Industry representatives suggested the Advanced Notice of Proposed Rulemaking approach to allow specific comments from stakeholders and to give EPA an opportunity to make revisions prior to formal proposal. The Tribe is supportive of the approach.
- On July 12, 2017, Sarah Dunham and Mandy Gunasekara were briefed on options for moving forward including the Advanced Notice of Proposed Rulemaking.
- This is time sensitive given the time it will take for the ANPR, proposed FIP and final action.

Wyoming Revised Water Quality Standards for Recreation Use

Key Message: (Decision needed from AO) Region 8 is preparing to take action on Wyoming's revised water quality standards in August.

- R8 is finalizing an action letter and decision rationale documents to approve most of Wyoming's proposed waterbody reclassifications from primary to secondary contact recreation (>99% of proposed waterbody reclassifications) with disapproval of 10 waterbody reclassifications (<1%).
- R8, OST, ORC, OGC concur on proposed actions.
- A briefing was provided to OW senior leadership (including Sarah Greenwalt) on July 13, and we are awaiting a decision.

Last Week Highlights

CERCLA Enforcement Team Draws on Letter of Credit for Work Takeover at the Richardson Flat Tailings Site in Park City, Utah.

Key Message: On July 26, 2017, the EPA drew on a \$300,000 letter of credit from potentially responsible party United Park City Mines (UPCM) to complete an engineering evaluation/cost analysis (EE/CA) at the Richardson Flat Tailings Site.

- In 2014, EPA and the Natural Resource Trustees entered an Administrative Order on Consent (AOC) for EE/CA and removal action at the Richardson Flat Site.
- Thereafter, UPCM failed to meet key deadlines contained in the AOC, and submitted deficient deliverables.
- In May 2017, EPA issued notice of work takeover, and plans to move forward with completing the EE/CA at the Site.
- UPCM has not invoked dispute resolution with respect to EPA's notice of work takeover.
- Local elected officials have expressed concerns over UPCM's lack of progress and have encouraged EPA to use its CERCLA authorities to expedite this cleanup.

WEEKLY REPORT – 07/28/2017

REGION 9

HOT ISSUES

Mexican Border infrastructure: following heavy rains, a sewage pipeline which runs from Mexico northward into the US-side International Treatment Plant in Nogales, Arizona has ruptured. Sewage is spilling into Nogales Wash and the Santa Cruz River near Rio Rico, and delivering a high load of wastewater, grit and sand to the plant. We've conferred with the IBWC, Santa Cruz and Pima Counties, the City of Nogales, Arizona DEQ, the Arizona Emergency Management office, concerned citizens, and Congressional staff. Another storm is expected this weekend; high water levels will continue to make assessment and repair impossible, compounded by water releases from an upstream dam in Mexico. ADEQ and IBWC are taking samples daily. The City and County are requesting emergency funding from the state. Options to repair the problem when waters recede are being considered.

CA Air Monitoring: Gov. Brown this week signed a new law requiring the Air Resources Board to select locations in some of the state's poorest and most polluted neighborhoods to deploy advanced air quality monitoring sensors, then select locations for community emissions reductions programs, which local air districts would be tasked with carrying out. Maximum penalties for air pollution violations are increased. The law also sets a 2023 deadline for upgrading pollution control equipment at refineries and other large facilities. While welcomed by some community leaders, local air districts will need funding for implementation.

New Source Review: no later than Monday of next week, I'll sign a Federal Register notice conditionally approving the Imperial County (CA) New Source Review rule. In so doing, we'll meet the July 31, 2017 consent decree requirement for final action.

EXTERNAL ENGAGEMENT

PSD permit workshop: next Saturday, we'll hold an informational meeting in Palmdale, CA to discuss our proposed approval of the PSD permit for the Palmdale Energy Center, a 645-megawatt natural gas-fired power plant which allows for fast response to varied electrical demand, resulting from changes in available renewable energy.

PAST WEEK HIGHLIGHTS

Regional Haze (NV): I signed the Federal Register notice approving the Nevada Regional Haze Progress Report.

Anaconda Copper Mine (NV): we signed the Record of Decision for this NPL-proposed site, selecting a remedy to close the heap leach pads abandoned by the former owner in 2001. This is but one operable unit at this vast site. The ROD has also been signed by the State of Nevada and BLM. Productive discussions and exchanges of written comments continue with NV DEP and partners regarding draft agreements to defer final NPL listing.

Greener Clean-ups: we provided training for the Los Angeles Dept. of Water and Power on greener cleanups and our Best Management Practices checklist. LADWP is intent on incorporating this into their SOPs, and applying it to current PCB and RCRA remediation. Our ongoing work with NV DEP in using these BMPs has resulted in a well-documented 14% reduction in greenhouse gas emissions from 2012 to 2016.

WEEKLY REPORT – 07/28/2017

REGION 10

Hot Issues

Bristol Bay/Pebble Mine FOIAs (AK): On July 17th, Trustees for Alaska submitted a FOIA to EPA requesting all documents regarding wetlands functional assessments for the proposed Pebble Mine. In addition to this most recent FOIA request, Region 10 is managing four other Bristol Bay/Pebble Mine-related FOIAs: two from the Natural Resource Development Council, one from E&E News and one from the Center for Biological Diversity.

County Commissioners Write to EPA Administrator re: Kalispel Tribe Clean Air Act Redesignation (WA): On July 20th, the commissioners of five north Idaho counties jointly submitted a letter to the EPA Administrator about the Kalispel Tribe's (north of Spokane, Washington) proposal to redesignate its reservation under the Clean Air Act to Class 1 status (the highest level of air quality protection). The letter relayed the commissioners' concerns and requested that EPA stop the process. The Tribe's redesignation proposal reflects their concerns about the air quality impacts of a proposed nearby silicon smelter. A Class I designation may result in the state of Washington developing more stringent CAA permit requirements. The Tribe submitted its proposal to Region 10 in May 2017 has nearly completed of all required elements under the CAA. The next step would be for the Regional Administrator to review the proposal and approve or disapprove within 90 days as required under the CAA.

Upcoming Public Events

Region 10 Dive Team Supports Washington Water Quality Monitoring: On August 1st and 2nd, the Region 10 Dive Team will provide critical support to the Washington Department of Ecology in decommissioning water quality monitoring instruments in Willapa Bay in southwest Washington. The state has used these instruments to monitor water quality in this productive estuary for more than six years which has assisted them in meeting Clean Water Act requirements and provided valuable information about the role estuaries play in the overall ocean ecosystem.

Tribal Consultation on Salish Sea Statement of Cooperation Action Plan (WA): On August 2nd, EPA Region 10, in coordination with Environment and Climate Change Canada, is hosting a tribal consultation webinar with tribes and first nations on the draft updated Salish Sea Action Plan before the plan is finalized later this summer. The Puget Sound basin is the southern portion of a larger "Salish Sea" basin that extends well into British Columbia. To foster ongoing cross-border communication, EPA and ECCC established the Statement of Cooperation for the Salish Sea in 2000. Every two to three years EPA and ECC update the SOC Action Plan. The updated

plan includes actions for supporting information exchange and strengthening coordination – examples include co-planning the bi-annual Salish Sea Ecosystem Conference and improved information sharing.

Upcoming Major Decisions

Public Notice for Draft NPDES Permit for Liberty Oil and Gas Development Project (AK): On August 4th, Region 10 will issue public notice for a draft Clean Water Act NPDES permit for Hilcorp's Liberty off-shore oil and gas development project concurrent with the release of the Draft EIS. The Bureau of Ocean Energy Management, the lead agency for the EIS, has set a 90-day comment period for the DEIS and scheduled several public meetings and hearings during which Region 10 will also accept comments on the draft NPDES permit. EPA staff also continue to assist BOEM with the joint development of the Biological Assessment to support Endangered Species Act consultation for both the draft EIS and the NPDES permit action. We plan to send the BA to the NOAA Fisheries and the U.S. Fish and Wildlife Service on August 15. Liberty is a major offshore oil and gas development project that includes construction of a manmade gravel island in the Beaufort Sea as the base for drilling.

Alaska Stand Alone Pipeline – CWA Section 404 public notice and supplemental draft EIS: August 14th is the deadline for Region 10 to provide comments on the CWA section 404 public notice and the NEPA supplemental draft EIS for the Alaska Stand Alone Pipeline (ASAP) project. The Alaska District Corps of Engineers is the lead federal agency for developing the SEIS. The ASAP project is proposed to provide natural gas for in-state use and is comprised of a 36-inch pipeline stretching approximately 733 miles from the North Slope to existing pipeline infrastructure in Southcentral Alaska; a 12-inch 30-mile-long lateral supply line to Fairbanks; and a gas conditioning facility (GCF) near Prudhoe Bay. The applicant, the Alaska Gasline Development Corp, has estimated the wetland impacts to be approximately 9,000 acres. Region 10 staff are reviewing these two documents to evaluate whether the applicant's proposal complies with the CWA § 404(b)(1) Guidelines. Preliminary review concerns include identification of the Least Environmentally Damaging Practical Alternative (LEDPA), classification of temporary and indirect impacts in permafrost areas, and most significantly the applicant's proposed mitigation. Previous draft applications had referenced a need for, and intention to use, nearly 23,000 mitigation credits to compensate for the impacts. The applicant currently proposes to compensate for the impacts with 80.78 credits, representing approximately 1% of the proposed impacts. A previous DEIS for this project anticipated compensatory mitigation for all of the impacts, and was rated EO-2 by Region 10 in 2012. Region 10 will coordinate closely with the Office of Water and the Office of Federal Activities on our comment letters.

Last Week Highlights

Northridge Estates Superfund Site Public Results in Local Hiring and Purchasing (OR): Last week Region 10 hosted a community meeting, information session and VIP tour at the Northridge Estates Superfund Site – a major asbestos cleanup in a residential development in southern Oregon. The site has also become a major success story for the Superfund Job Training Initiative program, job creation and local purchasing by cleanup contractors. Currently the site contractor and its primary sub-contractor have 54 employees working at the site with 46 hired locally. Of those local hires, 12 graduated from the JTI and are now performing tasks such as grade engineering, off-road driving, truck driving, flagging, labor and crew leads. In addition, local subcontracts at the site over the past two field seasons represent approximately 78 percent of the total subcontracted expenditures, and 80 percent of all purchases by the contractors (hospitality, materials, etc.) remained in the local community.

Collaborative Inspection Planning with Oregon Department of Environmental Quality: Last week Region 10 staff met with Oregon Department of Environmental Quality staff to jointly plan industrial stormwater compliance inspections for the remainder of 2017 and into 2018. EPA and ODEQ have been collaborating on inspection coverage for two years due to resource limitations at ODEQ. Based on ODEQ input, EPA inspections will continue to focus on specific geographic areas of concern and facilities that had not been inspected in the last five years.

WEEKLY REPORT – 07/28/2017

OFFICE OF WATER

Hot Issues

Waters of the U.S.: The Federal Register published the WOTUS Step 1 proposal on Thursday, July 27, with a thirty-day comment period that ends on Saturday, August 26. We should anticipate requests that we accept comments submitted on Monday, August 28th. EPA and Army staff are working jointly to develop a briefing package for the Administrator that provides potential policy options for the Step 2 proposal in the context of input from federalism consultation and other considerations. A briefing request has been submitted.

Bristol Bay: OW and Region 10 conducted the first two Bristol Bay/Pebble tribal consultation webinars on 7/26 (one for tribes and one for ANCSA corporations). In the tribal webinar, we had fourteen participants representing eight tribal councils/associations and six representatives spoke. None of the speakers expressed support for withdrawing the PD. Most expressed support for EPA's past work in the watershed and emphasized how important the region's fish and water resources are to Alaska Natives. In the ANCSA webinar, representatives from three corporations participated and representatives from two of the corporations spoke. One of the representatives expressed support for providing Pebble additional time to submit a permit application to the Army Corps and specifically expressed support for withdrawing the PD. Representatives for the second corporation expressed support for Pebble submitting a permit application and noted that it continues to work with/for Pebble.

FDF variance request for Duke Energy Edwardsport: In April 2016 Duke Energy submitted an FDF variance request seeking relief from certain limitations included in the 2015 Steam Electric ELG for the Edwardsport IGCC Station facility. EPA Region 5 intends to propose to grant a variance establishing alternative effluent limitations for 2 of the 4 pollutants regulated by the Steam Electric ELG (mercury and TDS) by July 31.

Idaho NPDES Authorization: The Acting Deputy Regional Administrator for Region 10 signed a Federal Register notice on July 17, 2017 indicating that Idaho has submitted an application to administer the NPDES program. This notice will serve as notice of the initiation of the public comment period and notice of public hearings, which will be held at 5 locations in the State during the week of September 11, 2017. It is anticipated that the notice will be published by August 11th, 2017, which would then initiate the comment period on the submission. Idaho is currently one of only four states that are not authorized to administer the NPDES program, the others being New Mexico, Massachusetts, and New Hampshire.

Funding Awarded to the National Rural Water Association for Small Public Water System Technical Assistance: This week EPA is issuing a \$4M grant to NRWA to provide training and technical assistance for small public water systems across the country to ensure safe drinking water and address the public health priorities of the Safe Drinking Water Act. EPA's Fiscal Year 2016 appropriation directs the Agency to competitively award \$12.688 million to non-profit

organizations to provide training and technical assistance to small public water systems, small wastewater systems and private well owners, located in urban and rural communities throughout the U.S. and its territories. The funding will help provide water and wastewater system staff and private well owners with training and tools to enhance system capacity, and support EPA's continuing efforts to protect public health and promote sustainability in small communities.

AIS denial waiver for the City of Oregon, Ohio: On July 26 EPA denied the State of Ohio's request for a timing availability waiver of the American Iron and Steel requirement for stainless steel grooved couplings for the City of Oregon's Water Treatment Plant Harmful Algal Bloom (HAB) Infrastructure Improvements Project. However, some of the non-domestic couplings were installed prior to the EPA receiving the waiver request; therefore, the EPA did not approve this waiver request.

Strategic Plan for Targeted Outreach to Populations Affected by Lead: As required by the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, on July 27 EPA released the *Strategic Plan for Targeted Outreach to Populations Affected by Lead* which describes how EPA must contact state and public water systems when EPA receives data that shows elevated lead levels from entities other than states or public water systems. Specifically, EPA must contact the state and public water system when EPA receives non-water system or state derived drinking water data from a household where the results are above 0.015 mg/L. EPA must also work with a state's governor to develop a plan to disseminate the information if the public water system fails to do so. The Strategic Plan also includes additional resources to better support the notification process, including templates for data submission and notices to affected households. To develop the plan, EPA worked collaboratively with stakeholders, including states and owners/operators of public water systems. For more information, visit <https://www.epa.gov/dwreginfo/strategic-plan-targeted-outreach-populations-affected-lead>.

Last Week Highlights

Kansas Water Main Break and Incident Command System Training: At approximately 4 a.m. Thursday, July 20, 2017 a 20-inch water main break in Emporia, Kansas left 25,000 people without water in the midst of an intense heat wave that saw temperatures soar to 107 F degree. In response to the main break, the Kansas Department of Health and Environment (KDHE) issued a boil water advisory for the public water supply of the City of Emporia; the advisory was lifted this past Sunday morning, July 23. A week prior to the main break, EPA's Water Security Division supported a 4-day Incident Command System (ICS) training for 20 KDHE staff. This EPA-sponsored training was specifically designed to enable more effective response to water-related incidents, and proved both timely and highly beneficial for KDHE staff during the response. Commenting on the training, Cathy Tucker-Vogel, Section Chief of the KDHE Public Water Supply Section said: *"The EPA-sponsored ICS training was invaluable for our recent response to the Emporia water main break. During the activation of the KDHE departmental operations center, our staff trained in ICS were much better prepared to coordinate emergency response operations, including the monitoring of repairs and flushing and disinfection actions. The ICS training was some of the best training that my staff have taken and proved its worth during this event."* WSD also conducted an email push on July 21, 2017, to utilities in 10 Midwestern states, including Kansas, with an EPA Incident Action Checklist

covering actions to respond to and recover from extreme heat impacts.

Clean Water Indian Set Aside Program Tribal Consultation: Last week OW held two formal tribal consultations with about 15 participants on each call to discuss a new authority under EPA's Clean Water Indian Set Aside Program to allocate up to \$2 million for training, technical assistance and education for the operation and maintenance of tribal wastewater infrastructure. While there has been such a system for tribal drinking water systems, this is the first time there is a dedicated funding stream for tribal wastewater systems.

New Judicial Decisions

- On July 24, 2017, the U.S. District Court for the District of Minnesota granted a Motion To Dismiss the Plaintiffs' Amended Complaint without prejudice in *Wilke V. CTW Acquisition*. The court dismissed the RCRA count finding that the Plaintiffs failed to provide the Administrator with pre-suit notice as required by RCRA § 7002(b)(2)(A) and dismissed the state law claim against EPA because Congress has not waived sovereign immunity. The court also dismissed the FTCA claim because the claims cannot be brought against a federal agency such as EPA, but must be brought against the United States.
- EPA successfully defended against the bid protest of SCST Engineering (SCST) before the Government Accountability Office (GAO). SCST alleged that EPA improperly evaluated and then removed SCST from the competition for an approximately \$330 million Superfund design and engineering services contract, part of the Agency's new Remedial Action Framework suite of three new Superfund clean-up contracts (worth approximately \$3.6 billion in total). GAO denied the protest finding that SCST's arguments lacked merit.

New Complaints Filed

- A petition for review was filed challenging the EPA rule (June 2017) that delays the effective date of the January 2017 Risk Management Program regulations. This petition was filed by 11 state Attorney Generals.
- The Sierra Club and the Environmental Integrity Project filed a Clean Air Act lawsuit asserting that the EPA Administrator has failed to satisfy his obligation to grant or deny a petition to object to a proposed title V operating permit for the Wheelabrator Frackville Energy, Inc., power generating facility. This facility is a coal-fired power plant in Schuylkill County, Pennsylvania. The petition underlying this complaint was filed with EPA in October, 2016.
- Ergon-West Virginia, Inc., filed a petition for review of the following EPA final action: Denial of Request for Extension of Small Refinery Temporary Exemption Under the Renewable Fuel Standards Program for Ergon-West Virginian, Inc.'s Newell, WV Refinery.

New Petitions

- Petition to reconsider EPA's decision to grant a waiver of federal preemption for California's diesel nonroad fleet standards, "California State Nonroad Engine Pollution Control Standards; Off-Road Compression Ignition Engines – In-Use Fleets; Notice of Decision," which is currently being challenged in the U.S. Court of Appeals for the Ninth

Circuit, *Dalton Trucking, Inc. v. EPA*, (9th Cir., No. 13-7401).

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Acting General Counsel, Kevin Minoli, is out of the office from July 24 through August 1.

Upcoming Major Deadlines in the Next Two Weeks

- 07/28 Motion to Govern Further Proceedings is due in *Biogenic CO2 Coalition v. EPA*, a challenge to endangerment finding for GHG from aircraft.
- 07/28 EPA's Reply Brief is due in *EIP, et al. v. EPA*, a mandatory duty suit regarding the "Morgantown-NRG" Title V petition.
- 07/28 EPA's Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment is due in *Clean Water Action, et al. v. EPA*, a challenge to EPA's postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705.
- 07/28 Brief of the United States is due in response to challenges of the Sixth Circuit's decision that it has exclusive jurisdiction over the Clean Water Rule litigation under Section 509 of the CWA in *National Association of Manufacturers v. Department of Defense et al.*
- 07/28 EPA's Reply in support of renewed motion for summary judgment is due in *Pulliam v. EPA*, a FOIA case concerning an OIG failure to respond to a request seeking documents related to a possible investigation of Christine Todd Whitman.
- 07/31 EPA's Response is due in *Center for Biological Diversity, et al. v. EPA*, a case concerning EPA's alleged failure to grant or deny a petition requesting that EPA object to an Authority to Construct/Certificate of Conformity proposed by the San Joaquin Valley Air Pollution Control District for the Alon USA - Bakersfield, California Refinery Crude Oil Flexibility Project, Facility.
- 07/31 EPA's Notice of final rulemaking to take action on an outstanding SIP submittal for Imperial County, CA for NNSR – Moderate is due in *Center for Biological Diversity, et al. v. EPA*.
- 07/31 EPA's Answer is due in *Judicial Watch Inc. v. EPA*, a FOIA case related to EPA's alleged failure to respond to a request seeking documents related to the Thunderclap social media platform.
- 07/31 EPA's Answer or Motion to Dismiss is due in *Confederated Tribes and Bands of the Yakama v. Air Liquide America Corp., et al.*, a CERCLA 107(a) cost recovery action against defendants, including the United States (U.S. Corps of Engineers and U.S. Coast Guard) at the Portland Harbor Superfund Site. NOTE that EPA is not a party; EPA is monitoring closely and working with DOJ because this is a high profile site and EPA may have to file a compulsory counterclaim in the future.

- 07/31 EPA's Answer due in *Shenandoah Riverkeeper, et al. v. Pruitt, et al.*, an APA challenge to EPA's approval of Virginia's 2014 CWA 303(d) list.
- 07/31 EPA's Response brief due in *City of Taunton, Mass. v. EPA*, an appeal of nitrogen limits in NPDES permit issued by Region 1.
- 08/01 EPA's merits brief is due in *State of Utah, et al v. EPA*, a challenge to partial disapproval of Utah's regional haze SIP and promulgation of FIP.
- 08/02 EPA has a court-ordered telephone mediation in *National Family Farm Coalition, et al., v. EPA*, a case related to EPA's Order granting registration under FIFRA section 3 of Dow AgroScience's "Enlist Duo" herbicide, containing the active ingredients 2,4-D and glyphosate, for use on genetically engineered (GE) corn, cotton and soybean in 34 states.
- 08/02 Summary judgment brief is due in *U.S. v. Lipar*, a challenge to Corps CWA Section 404 enforcement action; EPA is not a party.
- 08/03 EPA's Reply in Support of Cross-Motion for Summary Judgment is due in *Community In-Power and Development Association, et al v. EPA*, a case alleging that EPA failed to issue standards or final residual risk determinations for various major sources of hazardous air pollutants categories, and to review and revise as necessary emission standards promulgated every 8 years.
- 08/03 Response to Motion for Summary Vacatur or Stay is due in *American Lung Association v. EPA*, a petition for review of EPA's final action extending the deadline for promulgating initial area designations for the 2015 ozone national ambient air quality standards.
- 08/03 Reply in support of EPA's Motion to Stay Issuance of the Mandate is due in *Waterkeeper Alliance v. EPA*, a case where the D.C. Circuit vacated the "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms" rule.
- 08/03 Reply brief is due in *NRDC, et al. v. Pruitt*, a mandatory duty lawsuit alleging that California water rights permit decisions are new and revised CWA WQS.
- 08/07 EPA's Response is due in *City of Highland Park v. EPA, et al.*, where plaintiff alleges the EPA failed to fulfill mandatory duty by limiting water rates charged to plaintiff.
- 08/07 EPA's Response Brief is due in *Marquette Cty. Rd. Comm'n v. EPA, et al.*, a challenge to EPA's objection under CWA Section 404 to a proposed dredge and fill permit in Michigan.
- 08/09 Oral Argument is scheduled in *Californians for Renewable Energy (CARE), et al. v. Pruitt*, an Administrative Procedures Act ("APA") lawsuit alleges unreasonable delay in

enforcing Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations. The lawsuit includes five unreasonable delay claims based on administrative complaints filed with EPA and one claim alleging a pattern and practice of unreasonable delay.

- 08/10 EPA's Brief is due in *Montana Environmental Information Center v. EPA*, a petition for review of EPA's final rule: Promulgation of State Implementation Plan Revisions, Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO₂, 2010 SO₂, and 2012 PM_{2.5} National Ambient Air Quality Standards, Montana.
- 08/10 Oral Argument is scheduled in *Public Citizen v. Trump, et al.*, a case against multiple federal defendants claiming that EO 13771 violates: (i) separation of powers, (ii) the "take care" clause, and (iii) existing statutory directives by requiring ultra vires considerations in rulemakings, as well as an allegation that the OMB guidance is arbitrary and capricious.
- 08/10 Status report on whether EPA intends to reconsider its 2015 decision on Maine WQS related to tribal; sustenance fishing in *Maine v. EPA*.
- 08/11 Answer is due in *Center for Biological Diversity v. EPA*, a FOIA litigation concerning a FOIA request which sought records related to the "revised water quality criteria for cadmium."
- 08/11 Motion to dismiss a district court lawsuit on jurisdictional grounds is due in *LA Waterkeeper, et al. v. Pruitt*, a challenge to EPA's denial of petition asking EPA to exercise residual designation authority to require NPDES permits for commercial, industrial, and institutional stormwater discharges within two LA-area watersheds.
- 08/11 EPA's reply to petitioners' motion to show cause as to why the petition for review should not be dismissed is due in *LA Waterkeeper, et al. v. Pruitt, et al.*, a challenge of EPA's denial of its petition asking EPA to exercise its residual designation authority to designate certain commercial, industrial, and institutional sources in two LA watersheds as requiring NPDES permits.

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS

- ***Upcoming Hot Issues and Important Deadlines***

- July 31 – Notification to AG committee staff of Dicamba compliance advisory
- July 31 – TENATIVE- National Priorities List (NPL) Rollout
- TBD - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

- ***Upcoming Events***

- August 1 - Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Senate Committee on Environment and Public Works will hold a hearing on “Oversight of the U.S. Environmental Protection Agency's Superfund Program.”
- August 2 - Len Ashack, Director of the Wastewater Department, and Dale Orem, Vice President, Sanitary Sewer Board, Jeffersonville, Indiana, will meet with DAA Bennett, Advisor Bangerter, and OGC, OW, OECA, and DOJ, Region V staff to discuss the city's concerns about water infrastructure challenges, including the community's ability to finance Long Term Control Plan (LTCP) and Consent Decree requirements.
- TBD - CERCLA and EPCRA briefing for staff of Senator John Cornyn

- ***Past week accomplishments***

- July 24- July 27 Mayor Aquanetta Warren and her team was in Washington, DC. OIR is working with Mayor Warren's staff to arrange a time, determine topics for discussion, and confirm EPA staff participation.
- Week of July 24- OIR met with Commissioner Nick Fish, Bureau of Environmental Services to discuss the Portland Harbor, Portland, Oregon Superfund Clean-up. Staff from OLEM and Region X and Albert Kelly, Senior Advisor to the Administrator for Superfund joined OIR for the meeting. Jason Minor, Governor Kate Brown's Natural Resources Manager; Kristen Leonard, Port of Oregon's Chief Public Affairs Officer; and, Annie Von Burg, City of Portland, accompanied Commissioner Fish
- July 27: EPA approved a NOx emissions modification for VW 2L Gen 1 diesel vehicles, which encompass Model Years 2009-2014. For more information please click here: <https://www.epa.gov/vw/epa-and-california-air-resources-board-approve-remedy-reduce-excess-nox-emissions-generation-1-20>
- July 27 – Notification on final WIIN lead notification strategic Plan
- July 27 - Full Committee Markup: H.R. 3387, the Drinking Water System Improvement Act (as well as other non-EPA-relevant bills)
- July 27 - Ken Wagner, Senior Advisor to the EPA Administrator on State and Regional Affairs spoke at the Western Association of State Departments of Agriculture for their annual meeting in Sun Valley, ID. Topics of interest include WOTUS, pesticide use on cannabis, methyl bromide contamination on Idaho

potato fields, delegation of the NDPES program to Idaho, Yakima Valley nitrate contamination, and other issues identified by R10.

- July 26 - Briefed House Energy & Commerce and House Transportation & Infrastructure Committee staff on the Superfund program and Task Force.
- July 21 - The Office of Congressional and Intergovernmental Relations announced a solicitation seeking nominations to fill 10-15 vacancies on the Local Government Advisory Committee (LGAC) and the Small Community Advisory Subcommittee (SCAS). The solicitation for nominations was published in the Federal Register.
- July 19 - The proposed RFS Proposed Volume Standards for 2018 and the Biomass-Based Diesel Volume for 2019 expected to be published in the Federal Register on July 21 with comments due by August 31.
- July 19 - Subcommittee on Water Resources and Environment of the House Transportation & Infrastructure Committee held a hearing on “Building a 21st Century Infrastructure for America: Implementation of the Water Resources Reform and Development Act of 2014 and the Water Resources Development Act of 2016.”
- July 21 – Call with SEPW minority staff on Pesticide General Permit

- ***Ongoing activities***

- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 22 letters during the previous two weeks. We closed out 5 FOIA’s this week.
- The OIR team is finalizing the PPG Capacity Analysis project outline and will begin a preliminary analysis to identify PPG baseline metrics to determine each state and regions’ capacity. The team plans to establish these metrics by late July.
- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017*. The bill is the successor to Sen. Murkowski and Sen. Cantwell’s legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.
- We are working on a request from CBO about questions on HR3053 Nuclear Waste Policy Amendments Act of 2017

WEEKLY REPORT – 07/28/2017

OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS

Hot Issues:

None

Upcoming Engagements:

July 31 – Meeting with Japanese Diet and Ministry of Environment to discuss the U.S. position on Paris and environmental policies.

August 14-17 – Tribal Lands and Environment Forum (TLEF) in Tulsa to discuss tribal environmental programs. Representatives from ECOS will participate in a panel session with OITA to discuss EPA and state work with tribes.

Past Week Highlights:

Mexico Meeting

EPA (OAR/OITA) met with Mexico's Deputy Secretary of Planning and Environmental Policy to discuss vehicle emissions standards/regulations. Mexico is currently negotiating with their automobile industry and wants to harmonize their vehicle emissions regulations with the U.S.

- OAR explained that EPA has made a regulatory commitment to conduct a Midterm Evaluation of the standards for MY 2022-2025 and that as a part of this process, EPA is examining a wide range of factors and collecting data from key stakeholders.
- Mexico has adopted new lower sulfur fuel standards that will affect 40% of its diesel production and Pemex will have until 2018 to comply.
- Mexico is also expected to enact heavy duty vehicle standards next month and is pursuing new certification procedures in light of the VW scandal.

Mercury Conference

EPA (OITA) participated in Mercury 2017, a bi-annual conference that brings together scientists and policy makers from around the world to address mercury pollution issues. This year's conference discussed how scientists and policymakers can work together on the implementation of the Minamata Convention on Mercury.

- EPA did a presentation on mercury emissions capture for gold processing shops, which is part of EPA's work to help countries address mercury use in artisanal and small-scale gold mining. The presentation was well attended and led to a request from UN Environment for a display of EPA's mercury capture system at the upcoming Minamata Convention meeting.
- EPA also engaged in panel discussions related to monitoring and effectiveness evaluation, mercury control in China and other key countries, and implementation of the Asia Pacific Mercury Monitoring Network.
- EPA also participated in a side meeting of the Global Mercury Partnership, which includes Japan, to discuss many of the partnership work areas.

WEEKLY REPORT – 07/28/2017

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

IMPORTANT DEADLINES

TSCA New Chemicals Determinations

Determination Type	Pending on 7/18/2017	Pending on 7/25/2017	Determinations Completed* as of 7/18/2017	Determinations Completed* as of 7/25/2017	Determinations Posted on the Website as of 7/25/17
# of "not likely" determinations	2	1	90	92	90
# of §5(e) Orders signed by both EPA and the submitter	-	-	222	225	219
# of §5(e) Orders signed by EPA and awaiting submitter signature	78	77	-	-	-
# of cases in Order development process	231	231	-	-	-
# of cases flagged for in-depth review	72	71	-	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	23	21	-	-	-
# of LVE/LOREX exemption grants	-	-	414	414	411
# of LVE/LOREX exemption denials	-	-	99	99	88
Total number of cases	406	401	825	830	-
Backlog	106	101	-	-	-

The total number of 401 cases in process includes 74 cases in which submitters are developing information or conducting testing, and have suspended the review period to allow EPA to re-evaluate the chemical when they provide the data. These cases are in the submitters' courts rather than EPA's. If these cases are subtracted from the 401 total, the number of new chemicals cases under review by EPA is now 327. Including this fact, the real backlog has been reduced to 27 and will be close to zero by the time of the rollout on August 7th.

HOT ISSUES

Reports of Crop Damage from Use of the Pesticide Dicamba

EPA issued a compliance advisory on dicamba in response to recent complaints about crop damage in states like Arkansas, Missouri and Tennessee. As the advisory states, the application of a registered dicamba product during either the cotton or soybean crop growing season is unlawful under FIFRA except when using one of the conditionally registered dicamba products in accordance with their labels. EPA encourages individuals to report suspected crop damage caused by the off-target movement of dicamba to their state's department of agriculture or pesticide regulatory agency.

On July 28, OPP is having a teleconference with Extension Service experts and State Lead Agency representatives to learn more about the observed crop damage to non-target crops from use of dicamba. In late 2016, EPA registered dicamba for use on dicamba-tolerant cotton and soybeans. Monsanto, BASF, and DuPont have dicamba products. Since June 2017, EPA has been receiving reports of a high number of crop damage incidents involving dicamba. The number of complaints is especially high in Arkansas, Missouri, Mississippi and Tennessee. Incidents have also recently been reported in several other states, including those in the north. OPP has met with Monsanto and BASF, and separately met with several state agriculture experts to discuss the reported damage. OPP is working with OECA as the investigation of these reports continues

WEEKLY REPORT – 07/28/2017

OFFICE OF THE CHIEF FINANCIAL OFFICER

Hot Issues

- N/A

Upcoming Public Events

- E-Enterprise roundtable discussion planned for August 17 at the Tribal Lands Environment Forum in Tulsa, OK.

Upcoming Major Decisions

- As a follow-up to the Senior Leadership discussion at the Budget and Planning meeting, OCFO has developed a recommended approach and funding options for Chief of Staff and Acting Deputy Administrator approval. The goal is to obtain decisions before the end of July which supports issuing guidance to the agency and allowing adequate time to prepare the proposed FY 2019 budget due to OMB on September 11.
- Anticipate OCFO will receive draft narratives and strategic measures for development of draft *FY 2018-2022 EPA Strategic Plan* from all programs today. OCFO also expects to receive all initial draft FY 2018-2019 Agency Priority Goal statements/key actions by Monday (7/31). These also will support the FY 2019 budget proposal to OMB.
- OCFO is working with the appropriate NPMs, OGC, OCIR and the Policy Team to review responses to the Senate Appropriations Committee Questions for the Record (QFRs). When ready, OCFO will submit responses to OMB for approval prior to transmittal to the Hill. These responses will be inserted into the Senate hearing record and available to the public.
- In response to a Senate Appropriations Committee request, OCFO will issue a data call soon asking for policy and funding impact statements of the House Appropriations Full Committee proposed FY 2018 bill on EPA's programs. On July 18, the House Appropriations Full Committee proposed funding for EPA within the FY 2018 Interior, Environment and Related Agencies bill at approximately \$7.52 billion, \$534 million less than the FY 2017 Enacted Budget and \$1.869 billion more than the FY 2018 President's Budget. The Senate Appropriations Committee has not scheduled its mark-up and the deadline for the impact statements has not been set. At this time, House Floor Action is still unscheduled.

Last Week Highlights

- Last Thursday (7/20), OCFO sent all responses to House Appropriations Committee Questions for the Record to the Hill. Responses will be inserted into the House hearing record and available to the public.
- OCFO launched the E-Enterprise Regional Coordinator (EERC) network, comprised of representatives from all 10 EPA regional offices. The kick-off provided the opportunity for EERCs to share their E-Enterprise and/or State-related program experience and focused on the flexibility/trade-offs and opportunities available to advance shared (federal/state/tribal)

priorities and E-Enterprise activities and projects.

Other

- OCFO has developed an initial draft FY 2017 Quarter 3 Measures Report, which focuses on displaying results that will help the Administrator and other policy officials quickly assess issues and make adjustments to current strategies, as needed. The draft report will be sent by OCFO to the programs and lead regions for QA/QC review next week. A final Q3 report for the Administrator is expected on August 15.

OFFICE OF LAND AND EMERGENCY MANAGEMENT

Hot Issues

1. National Priorities List (NPL), package of proposed sites and final sites.
2. CCR State Permit Program Guidance.
3. CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.
4. Clean Air Act 112(r) Risk Management Program Rule.
5. Hanford Record of Decision (ROD).
6. Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King mine/Bonita Peak, Hudson River, Portland Harbor).
7. CERCLA-EPCRA AFO-CAFO Rule.
8. Definition of Solid Waste (DSW). We are working with OGC to follow up on the DC Circuit's decision. On August 3, we will meet with OMB.

Upcoming Public Events

1. National Priorities List package of proposed and final sites. The proposed and final rules to update the National Priorities List are targeted for public announcement next week.
2. Region 8 Site Visits. Site visits are OLEM senior management will participate in site visits in Colorado next week, including the Gold King Mine.
3. Tribal Lands and Environment Forum (week of Aug 14th, in Tulsa, OK).

Upcoming Major Decisions

1. Hanford ROD. We are working with Region 10 and the AO in preparation to brief the Administrator, targeted for in mid-September.
2. CERCLA-EPCRA AFO-CAFO Rule.
3. CERCLA 108(b) Financial Assurance Rulemaking (Dec. 1 judicial deadline).
4. E-Manifest User Fee Final Rule. We plan to submit the rule package to OMB by August 2.

5. RMP Modernization Rule Reconsideration. OLEM, OGC, and the AO are conferring on next steps and schedule.

Last Week Highlights

1. Superfund Task Force Report. This report was released this week. Implementation is underway.
2. Meeting with Orange County, California. On July 26, OLEM joined the AO in meeting with representatives from the Orange County Water District regarding inclusion of the North Orange County Groundwater Basin (North Basin).
3. General Electric Financial Assurance template. We are conferring with the AO regarding this technical assistance requested by state staff.
4. PHILIS unit. The Portable High Throughput Integrated Laboratory Identification System (PHILIS) mobile lab stationed in Edison, New Jersey, was involved in an accident on July 26. We are assessing the damage and its impact on readiness, and evaluating whether sufficient equipment is available that can be loaded onto another vehicle for positioning in Edison. In the meantime, the PHILIS unit stationed in Castle Rock, Colorado, remains available to respond.

OFFICE OF RESEARCH AND DEVELOPMENT

Today I attended the biannual National Toxicology Program (NTP) Executive Committee meeting and presented a high-level overview of EPA's PFAS activities. ORD's Lynn Flowers discussed ongoing efforts of the Cross-EPA PFAS Human Health Toxicity Workgroup. NTP provided an overview of their PFAS research, and other federal agencies also discussed their PFAS activities.

Hot Issues

Cape Fear PFAS sampling status meeting

On July 26th, ORD hosted a conference call meeting of staff and management involved in the collection of water samples from the Cape Fear River Basin in North Carolina and their analyses for the PFAS, GenX. The meeting brought together project participants from ORD, Region 4, North Carolina Department of Environmental Quality, and North Carolina Department of Health and Human Services. Participants discussed the status of and future plans for the project.

Provisional patent for lead exposure device

ORD has received a provisional patent for a lead exposure assessment device. This new device is very promising for measuring average lead concentrations at a drinking water tap in the home and reducing exposure to lead, a critical concern to the Agency and to water utilities and consumers across the country.

Economic Tradeoffs of Pasture Rotation for Vermont Dairy Farmers

A new project recently launched by Region 1, OW and ORD is assessing the tradeoffs and profitability for a system of pasture rotations for dairy cow grazing in Vermont. The Lake Champlain Dairy Farm Community Sustainability Project is a collaboration to reduce excess phosphorous loading to the Lake Champlain watershed and to comply with Total Maximum Daily Loads. The project will forecast short- and long-term social and economic tradeoffs to small dairy farms in the Lake Champlain watershed undergoing transition to pasture-based operation. Rotational grazing, which can reduce nutrient loading, is an alternative method available for some dairy farm operations. The project includes collaborators from the State of Vermont, the University of Vermont and the Lake Champlain Basin Program.

Upcoming public events

Specialized Training for Office of Pesticide Programs on Thyroid Toxicology

On July 31, ORD scientists will conduct a training session on 'Thyroid Toxicology' for OPP. Thyroid hormones are essential modulators of a wide variety of vertebrate physiological processes. Deficiencies in thyroid hormones, including chemical-induced deficiencies, are known to cause adverse effects in both the developing and adult organism. The lecture topics are tailored to improve the ability of EPA Program Office staff to evaluate data submissions.

Assisting Rural Communities in Puerto Rico with Small Drinking Water Systems

July 31-August 4, ORD, EPA Region 2 and the Inter-American University of Puerto Rico (IAUPR), will evaluate drinking water treatment and monitoring technologies in small

communities near Patillas, PR, for compliance with the Safe Drinking Water Act and contributions to improving public health. The collaborators will train community volunteers to be citizen scientists by demonstrating how to download monitoring results and analyze bacteria samples. The project team will also evaluate two different configurations of biological sand filters for waterborne pathogen removal. This work is being conducted under a MOU between EPA and IAUPR and is associated with a Region 2 RARE Project.

National Water Experts to Share Insights at the Water Security Test Bed

On August 3, ORD is hosting a group of national water system experts to provide independent viewpoints on the concept, approach, implementation and sustainability of the Water Security Test Bed (WSTB). The WSTB, constructed at DOE's Idaho National Laboratory, is a full-scale facility that replicates a typical municipal drinking water piping system. The expert group includes Alan Roberson, Director at the Association of State Drinking Water Administrators, Lisa McFadden, Sr. Program Manager at the Water Environment Federation, Rob Renner, CEO of the Water Research Foundation, and others. The experts' insights will help plan the future use and capabilities of the WSTB including how best to expand its use as a national capability to support the nation's water sector.

Last week Highlights

Region 3 SBIR Workshop

On July 27 EPA Region 3 hosted an SBIR workshop at Villanova University for area small businesses to learn about opportunities to obtain funding to develop and commercialize their technologies. Companies heard from several panels including 1) Federal SBIR agencies on their funding opportunities (EPA, U.S. Department of Energy and U.S. Department of Agriculture), 2) state organizations that support small businesses, and 3) local small businesses that have received SBIR awards. Attendees were able to meet one on one with agencies to pitch their ideas. Acting Regional Administrator Cecil Rodrigues and ORD's Acting Associate Assistant Administrator Mary Ellen Radzikowski provided opening remarks, and April Richards, Program Manager for ORD's SBIR Program, spoke about the program.

Engaging Stakeholders on Innovative Cleanup Technologies

On July 27, the Region 8 Science and Technology Liaison met with the Silverton Planning Commission and other stakeholders to discuss innovative technologies that ORD is evaluating for use at the Bonita Peak Mining District (BPMD) Superfund Site in San Juan County, CO. The site includes the Gold King Mine that spilled wastewater into local waterways in 2015. The meeting is part of a stakeholder-requested series of discussions that will inform the community about work being done in the BPMD.

Community-Focused Exposure and Risk Screening Tool (C-FERST) Training for States

ORD held a C-FERST "train-the-trainer" webinar on July 26 for state environmental and public health staff, part of ORD's partnership with the Environmental Council of States (ECOS) and its research arm, the Environmental Research Institute of the States (ERIS). The webinar is intended to help new users gain a better understanding of the tool and begin to train others to use it. As targeted users of C-FERST, state environmental and public health agency staff are critical for providing user feedback on the tool so that it realizes its full value in helping states and local communities lower public health risks. ECOS/ERIS will be developing case studies with states

that are using the tool. C-FERST is an online information access and mapping tool that offers a suite of resources, including structured community guides, local maps and reports, fact sheets, and links to other public health tools. It provides an easily-accessible resource for public health and environmental protection professionals to explore local-scale sources of exposure and associated risk reduction options.

Mine Tailings: Superfund

On July 20, the Region 7 Superfund and Technology Liaison participated in a meeting with ORD's Engineering Technical Support Center to assist with planning a disposal area for soil containing residual mined metals, known as mine tailings, for the Madison County Mines Superfund Site in Fredericktown, MO. Mine tailings from the site are impacting a nearby lake that serves as a public water supply. ORD's assistance will help Region 7 and local officials identify a disposal location.

New Modeling Tool Makes Significant Advances in Ability to Identify Specific Drinking Water Disinfection Byproducts of Concern

Research has evaluated associations between exposure to chemically treated drinking water, which generally contain numerous disinfection byproducts (DBPs), and reproductive and developmental effects such as still birth, low birth weight, and pregnancy loss. Toxicologists have studied associations between some individual DBPs and these effects, but there are few studies of complex DBP mixtures. This is an area of significant interest to the Office of Water and drinking water providers across the states. A new regression-based modeling tool helps determine which individual chemicals and mixture sub-sets drive adverse health effects, by allowing understanding of their contributions to the toxicity of a complex mixture. This is a critical accomplishment for mixtures toxicology and risk assessment, adding an important tool to the cumulative risk toolbox. Results of this collaborative effort appear in a special issue of the *Journal of Environmental Science* devoted to DBPs.

Recognition of EPA's Contribution to Million Hearts

ORD received a letter and certificate recognizing our contribution to the Million Hearts initiative from 2012-2016. Our collaboration with HHS CDC/CMS over the last few years has been substantial and ultimately resulted in CDC/CMS adopting a goal of increasing the awareness of the health effects of ambient air particle pollution among health care professionals and their at-risk patients into the new *Million Hearts 2022* program. Including new *Million Hearts* goals to reduce exposure to PM rests largely on ORD science or the science of its STAR grantees and will have a measurable benefit to public health and the wellbeing of Americans

EPA's Report on the Environment

Three new updates to the online Report on the Environment (ROE) were recently released. The latest changes include: 1) three updated video guides to help navigate the website, 2) new drinking water "Featured Indicator" on the home page, and 3) updated data for 31 indicators. EPA's ROE — released in 2015 — is an interactive resource that shows how the conditions of the environment and human health in the United States are changing over time. Over 80 indicators, detailing the status or trend of various aspects of the nation's environment or human health, are organized into five themes—Air, Water, Land, Human Exposure and Health, and Ecological Condition. <http://www.epa.gov/roe>.

Collaborative EPA/NOAA/USGS/NASA publication on identifying CyanoHABs in inland waterbodies using satellite remote sensing

The recent publication in *Harmful Algae*, A method for examining temporal changes in cyanobacterial harmful algal bloom spatial extent using satellite remote sensing, focuses on quantifying spatial extent of cyanoHABs in US lakes. This is the companion Ecological Indicators manuscript on the frequency reporting method for drinking and recreational waters.

WEEKLY REPORT – 07/28/2017

OFFICE OF ENVIRONMENTAL INFORMATION

Hot Issues

NA

Upcoming Public Events

NA

Upcoming Major Decisions

NA

Last Week's Highlights

e-Manifest TechStat review with OMB

- Brief description: On Monday, July 24, OEI held a TechStat review on the e-Manifest system with OMB and OLEM. Other offices in attendance included OARM and OCFO. The purpose of the meeting was to ensure the successful launch of the e-Manifest system in June 2018. The primary points of discussion centered around the roll-out strategy, governance, functionality, and helpdesk support. OEI is coordinating agreement on follow-up items with OMB. These follow-up items will be incorporated into ongoing project operations and oversight.
- Who benefits or cares: Hazardous waste generators, transporters, and Treatment, Storage, Disposal facilities along with States and EPA will be key beneficiaries of the e-Manifest system.
- Why this is important: This TechStat review was mandated by OMB to highlight/resolve key issues that could potentially interfere with a successful 2018 launch.
- Additional information: Key contact for OEI on the TechStat is Elena Larsen. Key contact for OLEM on the overall project is Stephen Donnelly.

Customer Satisfaction Survey Confirms TRI-MEweb 2.0 a Success

- Brief description: OEI recently completed a customer satisfaction survey to weigh the impact of recent improvements to TRI-MEweb, the system used by facilities to prepare and submit Toxics Release Inventory (TRI) reporting forms.
 - 82% of respondents thought TRI-MEweb 2.0 was easier to use than the legacy version.
 - 66% preferred it to the legacy version.
- Who benefits or cares: TRI-regulated facilities; the EPA's TRI Program; states, tribes, territories and local communities and governments; and the general public
- Why this is important: The improvements make the TRI reporting process easier for industry while improving data quality and increasing the speed of TRI reporting for

public release.

- Additional information:
 - The redesigned TRI-MEweb 2.0 platform included additional Central Data Exchange (CDX) services—text message identity verification, obtaining access key directly from TRI-MEweb, enabling dual role certification, enhanced error checking protocols and TRIFID synchronization web services.

Cross-Media Electronic Reporting Rule (CROMERR) Program Streamlining Efforts Pay Off with New Record

- Brief description: Last week, the results of the CROMERR Program's years of process improvement and streamlining efforts helped the program shatter all recent records: the Virgin Islands Department of Planning & Natural Resources' (VI DPNR) National Pollutant Discharge Elimination System (NPDES) e-Reporting Tool (NeT) application achieved CROMERR approval in just 12 days. It typically takes between 4-6 weeks to gain approve.
- Who benefits or cares: The EPA's state, tribe and local government partners authorized to administer EPA programs; regulated entities that report to and submit documents to the EPA
- Why this is important: CROMERR allows state, tribal and local governments to submit a single, consolidated application for multiple authorized programs while ensuring the electronic submittal has the same level of legal dependability as the corresponding paper submittals.
- Additional information:
 - CROMERR provides the legal framework for electronic reporting under the EPA's regulatory programs.
 - The applicant took advantage of every opportunity in CROMERR's streamlined approval process by opting to use the Attorney General Certification on file at the EPA and relying on the Central Data Exchange (CDX) Shared CROMERR Services (SCS). The applicant was only required to submit a one-page cover sheet application also.

Meeting with Director of Nebraska Department of Environmental Quality on Laws and Regulations Services (LRS)

- Brief description: On July 18, OEI met with the Director of the Nebraska Department of Environmental Quality to discuss the EPA's LRS and how it might be used by Nebraska and other states and tribes to improve regulatory management and compliance.
- Who benefits or cares: Region 7 employees and managers; states, tribes and other regulatory agencies; and the general public
- Why this is important: Using LRS may help improve regulatory management and compliance while reducing burden on the regulated community.
- Additional information:
 - Nebraska is interested in integrating the LRS web service into various applications it uses around permitting, compliance and information management.

They may also map their state laws and regulations to the federal laws and regulations, which have the potential to reduce burden on reporters in their state.

EJSCREEN Receives Special Achievement in Geographic Information Systems (GIS) Award

- Brief description: The EPA's EJSCREEN received a Special Achievement in GIS award at the 2017 Esri User Conference.
- Who benefits or cares: The general public, GIS users and Esri Conference attendees
- Why this is important: This award is given to user sites around the world to recognize outstanding work with GIS technology. The EPA stood out from more than 100,000 others.
- Additional information:
 - EJSCREEN is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators.
 - EJSCREEN was developed in collaboration between the Office of Environmental Information (OEI) and the Office of Enforcement and Compliance Assurance's (OECA) Office of Environmental Justice (OEJ)
 - Esri is an industry leader in blending mapping and analytics to create and supply GIS software, web GIS and geodatabase management applications.

WEEKLY REPORT – 07/28/2017

OFFICE OF AIR AND RADIATION

Upcoming Hot Issues and Important Deadlines

- Proposed Rules under review at OMB:
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
 - Review of the Clean Power Plan
- Sulfur Dioxide (SO₂) Designations: Per a court order, we have a December 31, 2017, deadline to promulgate final SO₂ area designations for Round 3 (which includes modeled areas and areas without monitors). To meet this deadline, the Regional Administrators will need to send 120-day letters to the States in early August in which we will notify the States of any intended modifications to their attainment/nonattainment recommendations

Upcoming Meetings, Public Events, or Other Public Releases

- Renewable Fuel Standard (RFS) public hearing: We will be holding a public hearing next Tuesday, August 1, for the proposed 2018 RFS standards. The hearing will be here in D.C.
- 2017 Center for Automotive Research (CAR) Management Briefing Seminars: Next Monday and Tuesday, CAR will host management briefing seminars in Traverse City, Michigan for executive management from automakers and suppliers, academia, labor, government and trade press. On Tuesday, the Director of the Office of Transportation and Air Quality, Chris Grundler, will participate in a moderated discussion.
- Air Quality Trends through 2016: Next week we plan to post on-line an update to the trends report to reflect air quality monitoring data through 2016

Upcoming Decisions

- For Administrator's Signature – Title V Petition Response for Alon: We have a July 31st deadline for signature on a response to a request that EPA object to a title V operating permit issued to the Alon USA-Bakersfield Refinery (located in California). The package is in the Administrator's office for review.
- For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR): This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- For Administrator's Signature – Procedure 6 Technical Amendments: This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant: This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.

- For Administrator's Signature – Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources: This rule finalizes the changes to Procedure 2 - related to PM CEMs - that were proposed on November 21, 2016, and responds to the adverse comment received in response to the proposal and direct final rule. Industry has asked for the revisions to this rule. The package is with OP for review.
- For Administrator's Signature – Proposed Rule to Approve Request from Louisiana to Relax the Summer Gasoline Volatility Standards for Certain Areas in the State: This proposal, when finalized, will approve the State of Louisiana's request to relax the Federal Reid Vapor Pressure (RVP) gasoline standard from 7.8 pounds per square inch (psi) to 9.0 psi for 11 Louisiana parishes that currently meet the ozone National Ambient Air Quality Standards (NAAQS). The package is with OP for review.
- For Administrator's Signature – Proposed Amendments to the Amino/Phenolic Resins Risk National Emission Standards for Hazardous Air Pollutants (NESHAP): This proposal is in response to petitions for reconsideration and would seek public comment on proposed amendments to the emissions standards for continuous process vents at existing facilities; proposed provisions for storage tanks; and whether it is necessary to extend the current compliance deadline of October 9, 2017 for facilities to comply with the proposed revised standards. The package is with OP for review.

Recap of the Past Week

- Actions signed or expected to be signed this week:
 - Off-Site Waste and Recovery Operations (OSWRO) proposed amendments.
 - Technical Correction to Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources

WEEKLY REPORT – 07/28/2017

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

Hot Issues

VERA/VSIP

The application deadline expired at 11:59pm EST on Wednesday, July 26, 2017 for eligible employees to submit a VERA/VSIP application. There were 483 applications received with the following breakdown:

Program	Total	Region	Total
AO	14	Region 1	27
OAR	4	Region 10	7
OARM	31	Region 2	9
OCFO	17	Region 3	59
OCSPP	15	Region 4	28
OECA	48	Region 5	32
OEI	17	Region 6	39
OGC	2	Region 7	33
OITA	3	Region 8	4
OLEM	20	Region 9	16
ORD	33		
OW	25		Total: 483

Next Steps: These employees will receive letters informing them of their eligibility by August 9. Employees must separate from the EPA by September 2.

Upcoming Public Events

None

Upcoming Major Decisions

National Honor Awards

Acting Assistant Administrator Donna Vizian and the Office of Human Resources staff met with Chief of Staff Ryan Jackson on Thursday, July 13, 2017, to brief him on the 2016 national honor awards recommendations, the separately paneled awards, and appeals for reconsideration. The 2016 national honor awards are pending approval of the Administrator.

Last Week's Highlights

Debarment & Pending Litigation

Technical Testing International (TTI) is a laboratory services company located in Arlington, Texas that has received contracts to provide laboratory data to entities that are recipients of EPA grants. The EPA debarred TTI and its owners, Meera Pabley and Hardeep Pabley from participating in federal procurement and non-procurement programs for a period of one year. The debarments stemmed from the lab's use of improper laboratory procedures (e.g., falsifying laboratory test results and failing to properly train laboratory employees).

TTI, Meera Pabley, and Hardeep Pabley (Plaintiffs) challenged their debarments in U.S. District Court in the Northern District of Texas. The Plaintiffs requested that the Court preliminarily enjoin the enforcement of their debarments. The Plaintiffs challenged their one year debarments under the Administrative Procedures Act (APA) and have also alleged that they were denied due process of law in the EPA debarment proceedings. On July 21, 2017, a Magistrate Judge recommended to the Court that Plaintiffs' motion for preliminary injunction should be denied because they failed to meet their burden to show a likelihood of success on the merits of their APA claim and the due process claim. The litigation is ongoing. The EPA Suspension and Debarment Program will continue to coordinate with the EPA Office of General Counsel and the U.S. Attorney's Office for the Northern District of Texas to defend the EPA actions.

WEEKLY REPORT – 7/28/2017

OFFICE OF POLICY

Documents Sent to the Office of the Federal Register July 21 – July 27, 2017

FRL	Title	Date Submitted to OFR
9964-99-Region 2	Proposed CERCLA Cost Recovery Settlement for the Computer Circuits Superfund Site, Hauppauge, Suffolk County, New York	7/26/2017
9965-45-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze Best Available Retrofit Technology Measure for Verso Luke Paper Mill	7/25/2017
9965-46-Region 3	Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District	7/25/2017
9965-47-Region 2	Approval and Promulgation of Implementation Plans; New York; Regional Haze Five-Year Progress Report State Implementation Plan	7/25/2017
9965-48-Region 2	Approval and Promulgation of Implementation Plans; New Jersey; Regional Haze Five-Year Progress Report State Implementation Plan	7/25/2017
9965-37-Region 8	Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to Air Pollution Control Rules	7/25/2017
9965-39-OW	Request for Scientific Views: Draft Updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater	7/25/2017
9965-40-OA	Notification of a Public Teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) and the CASAC Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur	7/25/2017
9965-31-OLEM	National Priorities List	7/21/2017
9965-36-OLEM	National Priorities List	7/21/2017
9965-49-Region 4	Coronet Industries Settlement	7/21/2017
9965-29-Region 4	Air Plan Approval; Kentucky; Revisions to Louisville; Definitions	7/21/2017

9965-30-Region 4	Air Plan Approval; Kentucky; Revisions to Louisville; Definitions	7/21/2017
9964-22-OCSPP	TSCA Inventory Notification (Active-Inactive) Requirements	7/21/2017
9958-88-OAR	Notice of Opportunity to Comment on an Analysis of the Greenhouse Gas Emissions Attributable to Production and Transport of Beta vulgaris ssp. vulgaris (Sugar Beets) for Use in Biofuel Production	7/21/2017
9963-89-Region 1	Air Plan Approval; CT; Reasonably Available Control Technology for the 2008 Ozone Standard	7/21/2017
9965-23-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Requirements for Continuous Emission Monitoring	7/21/2017
9963-04-OCSPP	Ametoctradin; Pesticide Tolerance	7/21/2017
9963-22-OCSPP	Fenpyroximate; Pesticide Tolerances	7/21/2017
9963-30-OCSPP	Certain New Chemicals or Significant New Uses; Statements of Findings for April 2017	7/21/2017
9963-50-OCSPP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities	7/21/2017
9963-51-OCSPP	Pesticide Product Registration; Receipt of Applications for New Uses	7/21/2017
9963-52-OCSPP	Pesticide Product Registration; Receipt of Applications for New Active Ingredients	7/21/2017
9963-92-OCSPP	Certain New Chemicals or Significant New Uses; Statements of Findings for May 2017	7/21/2017
9965-32-Region 9	Sycamore Removal Site, Hollywood, CA; Notice of Proposed Settlement Agreement and Order on Consent	7/21/2017
9965-33-Region 9	525 South Flower Street, Burbank, California; Notice of Proposed CERCLA Administrative Settlement Agreement	7/21/2017
9965-17-OA	Notification of a Public Meeting of the Chartered Science Advisory Board	7/21/2017
9965-22-OW	Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)	7/21/2017
9965-24-Region 4	Air Plan Approval; Georgia; Miscellaneous Revisions	7/21/2017

9965-25-Region 4	Air Plan Approval; Georgia; Miscellaneous Revisions	7/21/2017
9964-15-OCSPP	Tolpyralate; Pesticide Tolerances	7/21/2017
9960-37-OCSPP	Topramezone; Pesticide Tolerances	7/21/2017
9961-77-OCSPP	Pseudomonas Chlororaphis Strain AFS009; Exemption from the Requirement of a Tolerance	7/21/2017
9962-96-OCSPP	Fenamidone; Pesticide Tolerances	7/21/2017
9965-28-OAR	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	7/20/2017
9931-91-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Wisconsin	7/20/2017

WEEKLY REPORT – 7/28/2017

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

Hot Issues

Volkswagen Civil Litigation: EPA and the California Air Resources Board (CARB) have completed their testing and technical review of Volkswagen’s proposed emissions modification for the Generation 1, 2.0 Liter Subject Vehicles. This is the largest group of the 2.0 liter vehicles included in the 2.0 Liter Partial Consent Decree entered on October 25th, 2016. EPA and CARB issued a joint approval of the emissions modification on July 27th. Now, Volkswagen will provide consumer notices and proceed with the claims process laid out in the Consent Decree and related consumer settlements. The owners of these vehicles may choose to have Volkswagen either buy back their vehicle or apply the now-approved emissions modification.

Upcoming Public Events

Meeting with the Department of Energy, States, and ECOS: On August 10th, representatives from EPA (OECA, OLEM, Regions 4, 6 and 10), the Department of Energy (DOE), states, and the Environmental Council of the States (ECOS) will attend a Dialogue Meeting in Los Alamos, New Mexico. The purpose of the meeting is to improve relationships among the parties to ensure that complex DOE cleanups are progressing as quickly and efficiently as possible. The August meeting is a follow-up discussion to an Oak Ridge, TN Dialogue Meeting held in February 2017, where the group discussed partnering among DOE, EPA and the states; key performance measures; and DOE’s budget planning process. Agenda topics for the August meeting include: EPA’s 30-Day Superfund Task Force, DOE’s 45-Day Review, Partnering, DOE’s Budget Process, and Regulatory Agreements.

OECA DAA to Speak at 29th Annual Texas Environmental Superconference: On August 4th, Patrick Traylor, OECA’s Deputy Assistant Administrator, will speak on a panel at the Texas

Environmental Superconference in Austin, Texas, hosted by the State Bar of Texas, Environment & Natural Resources Law Section. Patrick will speak about a range of environmental enforcement issues, along with Avi Garbow, former EPA General Counsel, John Cruden, former Assistant Attorney General for the Department of Justice Environment and Natural Resources Division, and a member of the leadership team at the Texas Commission on Environmental Quality.

Upcoming Major Decisions

None.

Last Week's Highlights

Federal Mining Dialogue Enforcement Coordination Group Meeting: On July 26th, the Federal Mining Dialogue Enforcement Coordination Group, consisting of representatives from EPA, the Department of Interior, and the USDA's Forest Service, held its quarterly meeting. At the meeting, EPA provided a summary of the Agency's Superfund Task Force Recommendations Report, and identified specific recommendations that may be conducive to collaboration among federal agencies. These will be discussed in more detail at the next quarterly meeting in October 2017.

The mission of the Enforcement Coordination Group is to work collaboratively to coordinate the use of enforcement tools to maximize the efficiency and effectiveness of cleanups and enforcement at mining sites that are on private and federal lands (i.e., "mixed ownership" mining sites). The member agencies/departments have committed to sharing information on potentially responsible parties and coordinating enforcement efforts, where possible, at these mixed ownership mining sites. In addition, the members have agreed to explore legal mechanisms such as Memoranda of Understanding, Interagency Agreements, and instruments for re-delegation of CERCLA authorities, to optimize efficiencies.

Centaur Insurance Receivership Settlement: On July 12th, the Circuit Court of Cook County, Illinois approved a settlement agreement between the United States and the Centaur Insurance Company to resolve EPA's CERCLA claims against Centaur (the insurance provider to LCP Chemicals, Inc.). An insurance receivership is a state-controlled process whereby an insurance receiver supervises the distribution of insurance proceeds of an undercapitalized carrier pursuant to the insurance code of the particular state jurisdiction. Centaur originally entered into receivership proceedings in 1987 in the State of Illinois. EPA's claims were based on LCP's CERCLA liability at three Superfund sites: the LCP Chemicals Site in Brunswick, Georgia; the Hanlin-Allied-Olin Superfund Site in Moundsville, West Virginia; and the LCP Chemicals, Inc. Superfund Site in Linden, New Jersey. Under the settlement, Centaur will pay EPA \$8,750,000, to be allocated to the three sites evenly. For two of the sites, the funds are critical to complete cleanup; at the third site the funds will be used in conjunction with other private party cleanup efforts.

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Hanson, Andrew
Sent: Fri 7/7/2017 1:30:39 PM
Subject: Use/forward this one
WOTUSFedCommentsByState.docx

From: Bennett, Tate
Sent: Friday, July 07, 2017 9:03 AM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>
Subject: Re: WOTUS letter from Cmsr Pigott (IN)

I know! Sarah pinged me asking for our numbers bc we (you) did a better job aggregating.

On Jul 7, 2017, at 8:50 AM, Hanson, Andrew <Hanson.Andrew@epa.gov> wrote:

Hey –

The attached is current....most of what is trickling in at this point has already been received/logged by the portal/docket. OWOW is currently developing its substantive review/overview.

From: Bennett, Tate
Sent: Thursday, July 06, 2017 8:59 PM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>
Subject: Fwd: WOTUS letter from Cmsr Pigott (IN)

Need to catch up with you on these! Sorry I missed you today! :(

Begin forwarded message:

From: "Barbery, Andrea" <Barbery.Andrea@epa.gov>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Bowles, Jack" <Bowles.Jack@epa.gov>, "Osinski, Michael" <Osinski.Michael@epa.gov>, "Borum, Denis" <Borum.Denis@epa.gov>, "Hanson, Andrew" <Hanson.Andrew@epa.gov>, "Beckmann, Ronna Erin" <beckmann.ronna@epa.gov>, "Fortin, Denise" <Fortin.Denise@epa.gov>, "Deamer, Eileen" <deamer.eileen@epa.gov>

Subject: WOTUS letter from Cmsr Pigott (IN)

Hi Tate,

Attached and in your inbox is a June 19, 2017 letter from Indiana DEM Commissioner Pigott on WOTUS (AX-17-001-0549).

Thanks,
Andrea
202-564-1397

-----Original Message-----

From: cmsadmin@epa.gov [<mailto:cmsadmin@epa.gov>]

Sent: Tuesday, June 27, 2017 4:33 PM

To: Eades, Cassaundra <Eades.Cassaundra@epa.gov>; Scott, Sonya <scott.sonya@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Wilkes, Quianna <Wilkes.Quianna@epa.gov>; Mims, Kathy <Mims.Kathy@epa.gov>; Scales, Wuanisha <Scales.Wuanisha@epa.gov>; Tillery, Loreto <Tillery.Loreto@epa.gov>; Banks, Portia <Banks.Portia@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Cook-Shyovitz, Becky <Cook-Shyovitz.Becky@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Kuhn, Kevin <Kuhn.Kevin@epa.gov>
Subject: CMS New Assignment - Jacqueline Leavy - AX-17-001-0549

Control AX-17-001-0549 has been assigned to your office on 6/27/17 4:33 PM by Jacqueline Leavy. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-17-001-0549

Control Subject: Waters of the United States

From: Pigott, Bruno L.

Note: This Email was automatically generated. Please do not attempt to respond to it.

You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMSInformation@epa.gov.

<WOTUSFedCommentsByState.docx>

WOTUS Commenters as of C.O.B. July 6, 2017

At a glance: **19 Governors**
 2 Lieutenant Governors
 20 Attorneys General (all signed one letter)
 18 Intergovernmental Associations
 60 cabinet-level state agencies

ALABAMA

Attorney General Steve Marshall
Alabama Department of Agriculture

ALASKA

Governor Bill Walker
Attorney General Jahna Lindemuth

ARIZONA

Governor Doug Ducey
Apache County, District 3
Eastern Arizona Counties Organization
Gila County Board of Supervisors (Cline)
Gila County Board of Supervisors (Humphrey)
Gila County Board of Supervisors (Martin)
**Gila County Board of Supervisors letter with 3 signatures
Graham County Board of Supervisors
Greenlee County Board of Supervisors
Navajo County Board of Supervisors (Thompson)
Navajo County Board of Supervisors (Whiting)
Pima County

ARKANSAS

Governor Asa Hutchinson
Attorney General Leslie Rutledge
Arkansas Department of Agriculture
Benton County (judge)
Boone County (judge)
Carroll County (judge)

Craighead County (judge)
Faulkner County (justice of the peace)
Greene County (judge)
Hot Spring County (Dist 10 justice)
Logan County, (Dist 2 & 3 justice)
Logan County (Dist 5 justice)
Marion County (judge)
Mississippi County (judge)
Newton County (judge)
Poinsett County (judge)
Polk County (judge)
Pope County (Dist 6 & 9 justice)
Pulaski County (justice)
Saline County (judge)
Searcy County (clerk)
Sebastian County (judge)
Sebastian County (Dist 10 justice)
Stone County (Clerk)

CALIFORNIA

Association of California Water Agencies
California Association of Sanitation Agencies
California Department of Transportation
California Storm Water Quality Association
City of Azusa (city mgr)
City of Corona (city mgr)
City of Lake Forest (env. mgr)
City of Manteca (mayor)
City of San Juan Capistrano (city mgr)
City of Santa Ana (engineer)
Del Norte County Board of Supervisors
Elsinore Valley Municipal Water District
La Mesa (Helix) Water District
Los Angeles County Department of Public Works
Orange County Public Works
Riverside County Flood Control District
Rural County Representatives of California
San Diego County Water Authority
San Diego County Planning and Development Services
San Gabriel Valley Council of Governments
Sanitation Districts of Los Angeles County
Santa Fe Irrigation District
Santa Margarita Water District
Tuolumne County Board of Supervisors
Western Municipal Water District

COLORADO

****Joint letter:** Colorado Department of Agriculture
Colorado Department of Natural Resources
Colorado Department of Public Health and Environment
City of Aurora Water Administration
Huerfano County Water Conservation District
Northwest Colorado Council of Governments
Pitkin County (attorney)

CONNECTICUT

Connecticut Department of Energy and Environmental Protection

FLORIDA

Florida Department of Agriculture and Consumer Services
Florida Department of Environmental Protection
Charlotte County Board of Commissioners

GEORGIA

Attorney General Christopher Carr
Georgia Department of Natural Resources

HAWAII

Governor David Ige

IDAHO

Governor Butch Otter ****joint letter with**
Idaho Department of Agriculture
Idaho Department of Water Resources
Idaho Association of Counties

ILLINOIS

Illinois Environmental Protection Agency

INDIANA

Attorney General Curtis Hill, Jr.
Indiana Department of Environmental Management
Association of Indiana Counties
County Supervisors Association of Indiana
Blackford County Surveyors
Hamilton County Surveyors
Hancock County Surveyors

IOWA

Governor Kim Reynolds **joint letter with
Lt. Governor Adam Gregg
Buchanan County

KANSAS

Governor Sam Brownback
Attorney General Derek Schmidt

KENTUCKY

Attorney General Andy Beshear
Energy and Environment Cabinet (Secretary)

LOUISIANA

Attorney General Jeff Landry
Louisiana Department of Environmental Quality (Secretary)
Jefferson Parish Department of Environmental Affairs

MAINE

Governor Paul LePage

MASSACHUSETTS

Massachusetts Department of Environmental Protection

MICHIGAN

Attorney General Bill Schuette

****Joint letter:** Michigan Department of Agriculture and Rural Development and
Michigan Department of Environmental Quality

MINNESOTA

****Joint letter:** Minnesota Department of Natural Resources
Minnesota Pollution Control Agency

MISSISSIPPI

Governor Phil Bryant

Forrest County (supervisor)

MISSOURI

Governor Eric Greitens ****joint letter with**
Missouri Department of Natural Resources
Attorney General Josh Hawley

MONTANA

Montana Department of Environmental Quality, Department of Natural Resources and Conservation

NEBRASKA

Governor Pete Ricketts ****joint letter with**
Nebraska Department of Agriculture
Nebraska Department of Environmental Quality
Nebraska Department of Natural Resources

NEVADA

Governor Brian Sandoval

Attorney General Adam Paul Laxalt
Nevada Division of Environmental Protection
Nevada Association of Counties
Clark County Regional Flood Control District

Humboldt River Basin Authority

NEW HAMPSHIRE

Governor Chris Sununu

NEW MEXICO

New Mexico Department of Agriculture

NEW YORK

New York State Department of Environmental Conservation

NORTH CAROLINA

Lieutenant Governor Dan Forest

North Carolina Department of Environmental Quality (Secretary)

NORTH DAKOTA

Governor Doug Burgum

Attorney General Wayne Stenehjem

OHIO

Attorney General Mike DeWine

Ohio Environmental Protection Agency

Ohio Department of Transportation

Ohio Department of Agriculture

Ohio Department of Natural Resources, Division of Mineral Resources

Ohio Department of Natural Resources, Division of Oil and Gas Resources Management

OKLAHOMA

Attorney General Mike Hunter

****Joint letter:** Commissioner of Agriculture

Secretary of Energy and Environment

Secretary of Transportation

OREGON

****Joint letter** Oregon Department of Environmental Quality
Oregon Department of Fish and Wildlife
Oregon Department of Forestry
Oregon Department of State Lands

Jackson County Road Department

Yamhill County Commission

PENNSYLVANIA

****Joint letter:** Pennsylvania Department of Agriculture
Pennsylvania Department of Conservation and Natural Resources
Pennsylvania Department of Environmental Protection
Pennsylvania Fish and Boat Commission
Pennsylvania Department of Transportation (nat res. staff)

SOUTH CAROLINA

Governor Henry McMaster
Attorney General Alan Wilson
Dorchester County Administrator

SOUTH DAKOTA

Attorney General Marty Jackley
South Dakota Department of Environment and Natural Resources
Pennington County Board of Commissioners

TENNESSEE

****Joint letter:** Tennessee Department of Agriculture and
Tennessee Department of Environment and Conservation

TEXAS

Attorney General Ken Paxton
Railroad Commission of Texas (All three commissioners)
Texas Commission on Environmental Quality
Texas Department of Agriculture
Texas Department of Transportation
Texas General Land Office

UTAH

Attorney General Sean Reyes
Public Lands Policy Coordination Office (director)
Duchesne County Commission

VIRGINIA

Commonwealth of Virginia Department of Agriculture and Consumer Services
Spotsylvania County (engineer)

WASHINGTON

Washington Department of Ecology

WEST VIRGINIA

Attorney General Patrick Morrisey
West Virginia Department of Environmental Protection

WISCONSIN

Attorney General Brad Schimel
Wisconsin Department of Natural Resources

WYOMING

Governor Matt Mead

Wyoming Association of Conservation Districts
Wyoming County Commissioners Association
Wyoming Department of Environmental Quality
Wyoming Coalition of Local Governments

INTERGOVERNMENTAL ASSOCIATIONS

***Joint Letter from the National Association of Counties, National League of Cities, U.S. Conference of Mayors**
Association of Clean Water Administrators
Association of State Floodplain Managers

Association of State Wetland Managers
Environmental Council of the States
National Association of Conservation Districts
National Association of Clean Water Agencies
National Association of State Departments of Agriculture
National Association of Flood and Stormwater Management Agencies
National Conference of State Legislatures
National Governors' Association – Gov. Edmund Brown (CA) and Gov. Matt Mead (WY)
National Municipal Storm Water Alliance
National Water Resources Association
New England Interstate Water Pollution Control Commission
Western Governors' Association – Gov. Steve Bullock (MT) and Gov. Dennis Daugaard (SD)
Western States Water Council

****Joint Letter signed by Attorneys General from 20 states**

To: Woolford, James[Woolford.James@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
Cc: Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Falvo, Nicholas
Sent: Wed 1/24/2018 2:15:46 PM
Subject: Background on sites for Lois Gibbs meeting
[image2018-01-24-064141.pdf](#)

see attached

Minden, WV
Hoosick Falls, NY
CTS of Asheville, NC
Newsom Brothers/Old Reichhold Chemicals, Columbia, MS
Tar Creek, OK
West Lake Landfill, MO
San Jacinto River Waste Pits, TX

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Teller, Paul S. EOP/WHO
Sent: Fri 4/27/2018 5:27:02 PM
Subject: Fwd: [EXTERNAL] Pruitt White House Petition from CFACT
[Pruitt White House petition letter.pdf](#)
[ATT00001.htm](#)
[CFACT Keep Pruitt Petition.xls](#)
[ATT00002.htm](#)

FYI

Paul Teller
Special Assistant to the President
Office of Legislative Affairs
The White House
Paul.S.Teller@who.eop.gov

Sent from my iPhone

Begin forwarded message:

From: "Adam Houser" <ahouser@cfactcampus.org>
To: "Teller, Paul S. EOP/WHO" <Paul.S.Teller@who.eop.gov>
Cc: "Craig Rucker" <crucker@cfact.org>
Subject: [EXTERNAL] Pruitt White House Petition from CFACT

Dear Mr. Teller,

Attached please find a letter from CFACT President Craig Rucker and a petition recommending that President Trump retain Scott Pruitt as EPA Administrator and continue his program of reform.

Please feel free to contact Craig if you have any questions.

Very Truly Yours,
Adam Houser
Adam Houser
National Field Director
CFACT
U.S. Mobile: Ex. 6 - Personal Privacy



April 27, 2018

Paul S. Teller
Special Assistant to the President
for Legislative Affairs
The White House
Washington, D.C.

Dear Mr. Teller:

Today we are filing with the White House a petition signed by 4,676 people asking President Trump to retain Scott Pruitt as Administrator of EPA. For years EPA has been the poster child for Washington bureaucratic overreach. Administrator Pruitt is doing a splendid job advancing the President's goal of reforming EPA and the rest of our federal bureaucracy.

Administrator Pruitt has been the subject of shrill criticism over minor issues designed to thwart his efforts at reform. The President should stand behind loyal public servants like Scott Pruitt or suffer a chilling effect on his Administration's ability to recruit and retain talented Americans with the courage to make positive change.

Very Truly Yours,

Craig Rucker
President
540-955-2481
Crucker@CFACT.org

WOTUS Commenters as of C.O.B. July 3, 2017

At a glance: **19 Governors**
 2 Lieutenant Governors
 20 Attorneys General (all signed one letter)
 18 Intergovernmental Associations
 59 cabinet-level state agencies

ALABAMA

Attorney General Steve Marshall
Alabama Department of Agriculture

ALASKA

Governor Bill Walker
Attorney General Jahna Lindemuth

ARIZONA

Governor Doug Ducey
Apache County, District 3
Eastern Arizona Counties Organization
Gila County Board of Supervisors (Cline)
Gila County Board of Supervisors (Humphrey)
Gila County Board of Supervisors (Martin)
**Gila County Board of Supervisors letter with 3 signatures
Graham County Board of Supervisors
Greenlee County Board of Supervisors
Navajo County Board of Supervisors (Thompson)
Navajo County Board of Supervisors (Whiting)
Pima County

ARKANSAS

Governor Asa Hutchinson
Attorney General Leslie Rutledge
Arkansas Department of Agriculture
Benton County (judge)
Boone County (judge)
Carroll County (judge)

Craighead County (judge)
Faulkner County (justice of the peace)
Greene County (judge)
Hot Spring County (Dist 10 justice)
Logan County, (Dist 2 & 3 justice)
Logan County (Dist 5 justice)
Marion County (judge)
Mississippi County (judge)
Newton County (judge)
Poinsett County (judge)
Polk County (judge)
Pope County (Dist 6 & 9 justice)
Pulaski County (justice)
Saline County (judge)
Searcy County (clerk)
Sebastian County (judge)
Sebastian County (Dist 10 justice)
Stone County (Clerk)

CALIFORNIA

Association of California Water Agencies
California Association of Sanitation Agencies
California Department of Transportation
California Storm Water Quality Association
City of Azusa (city mgr)
City of Corona (city mgr)
City of Lake Forest (env. mgr)
City of Manteca (mayor)
City of San Juan Capistrano (city mgr)
City of Santa Ana (engineer)
Del Norte County Board of Supervisors
Elsinore Valley Municipal Water District
La Mesa (Helix) Water District
Los Angeles County Department of Public Works
Orange County Public Works
Riverside County Flood Control District
Rural County Representatives of California
San Diego County Water Authority
San Diego County Planning and Development Services
San Gabriel Valley Council of Governments
Sanitation Districts of Los Angeles County
Santa Fe Irrigation District
Santa Margarita Water District
Tuolumne County Board of Supervisors
Western Municipal Water District

COLORADO

****Joint letter:** Colorado Department of Agriculture
Colorado Department of Natural Resources
Colorado Department of Public Health and Environment
City of Aurora Water Administration
Huerfano County Water Conservation District
Northwest Colorado Council of Governments
Pitkin County (attorney)

CONNECTICUT

Connecticut Department of Energy and Environmental Protection

FLORIDA

Florida Department of Agriculture and Consumer Services
Florida Department of Environmental Protection
Charlotte County Board of Commissioners

GEORGIA

Attorney General Christopher Carr
Georgia Department of Natural Resources

HAWAII

Governor David Ige

IDAHO

Governor Butch Otter ****joint letter with**
Idaho Department of Agriculture
Idaho Department of Water Resources
Idaho Association of Counties

ILLINOIS

Illinois Environmental Protection Agency

INDIANA

Attorney General Curtis Hill, Jr.
Indiana Department of Environmental Management
Association of Indiana Counties
County Supervisors Association of Indiana
Blackford County Surveyors
Hamilton County Surveyors
Hancock County Surveyors

IOWA

Governor Kim Reynolds **joint letter with
Lt. Governor Adam Gregg
Buchanan County

KANSAS

Governor Sam Brownback
Attorney General Derek Schmidt

KENTUCKY

Attorney General Andy Beshear
Energy and Environment Cabinet (Secretary)

LOUISIANA

Attorney General Jeff Landry
Louisiana Department of Environmental Quality (Secretary)
Jefferson Parish Department of Environmental Affairs

MAINE

Governor Paul LePage

MASSACHUSETTS

Massachusetts Department of Environmental Protection

MICHIGAN

Attorney General Bill Schuette

****Joint letter:** Michigan Department of Agriculture and Rural Development and
Michigan Department of Environmental Quality

MINNESOTA

****Joint letter:** Minnesota Department of Natural Resources
Minnesota Pollution Control Agency

MISSISSIPPI

Governor Phil Bryant

Forrest County (supervisor)

MISSOURI

Governor Eric Greitens ****joint letter with**
Missouri Department of Natural Resources
Attorney General Josh Hawley

MONTANA

Montana Department of Environmental Quality, Department of Natural Resources and Conservation

NEBRASKA

Governor Pete Ricketts ****joint letter with**
Nebraska Department of Agriculture
Nebraska Department of Environmental Quality
Nebraska Department of Natural Resources

NEVADA

Governor Brian Sandoval

Attorney General Adam Paul Laxalt
Nevada Division of Environmental Protection
Nevada Association of Counties
Clark County Regional Flood Control District

Humboldt River Basin Authority

NEW HAMPSHIRE

Governor Chris Sununu

NEW MEXICO

New Mexico Department of Agriculture

NEW YORK

New York State Department of Environmental Conservation

NORTH CAROLINA

Lieutenant Governor Dan Forest

North Carolina Department of Environmental Quality (Secretary)

NORTH DAKOTA

Governor Doug Burgum

Attorney General Wayne Stenehjem

OHIO

Attorney General Mike DeWine

Ohio Environmental Protection Agency

Ohio Department of Transportation

Ohio Department of Agriculture

Ohio Department of Natural Resources

OKLAHOMA

Attorney General Mike Hunter

**Joint letter: Commissioner of Agriculture
Secretary of Energy and Environment
Secretary of Transportation

OREGON

****Joint letter** Oregon Department of Environmental Quality
Oregon Department of Fish and Wildlife
Oregon Department of Forestry
Oregon Department of State Lands

Jackson County Road Department

Yamhill County Commission

PENNSYLVANIA

****Joint letter:** Pennsylvania Department of Agriculture
Pennsylvania Department of Conservation and Natural Resources
Pennsylvania Department of Environmental Protection
Pennsylvania Fish and Boat Commission
Pennsylvania Department of Transportation (nat res. staff)

SOUTH CAROLINA

Governor Henry McMaster
Attorney General Alan Wilson
Dorchester County Administrator

SOUTH DAKOTA

Attorney General Marty Jackley
South Dakota Department of Environment and Natural Resources
Pennington County Board of Commissioners

TENNESSEE

****Joint letter:** Tennessee Department of Agriculture and
Tennessee Department of Environment and Conservation

TEXAS

Attorney General Ken Paxton
Railroad Commission of Texas (All three commissioners)
Texas Commission on Environmental Quality
Texas Department of Agriculture
Texas Department of Transportation
Texas General Land Office

UTAH

Attorney General Sean Reyes
Public Lands Policy Coordination Office (director)
Duchesne County Commission

VIRGINIA

Commonwealth of Virginia Department of Agriculture and Consumer Services
Spotsylvania County (engineer)

WASHINGTON

Washington Department of Ecology

WEST VIRGINIA

Attorney General Patrick Morrissey
West Virginia Department of Environmental Protection

WISCONSIN

Attorney General Brad Schimel
Wisconsin Department of Natural Resources

WYOMING

Governor Matt Mead

Wyoming Association of Conservation Districts
Wyoming County Commissioners Association
Wyoming Department of Environmental Quality
Wyoming Coalition of Local Governments

INTERGOVERNMENTAL ASSOCIATIONS

***Joint Letter from the National Association of Counties, National League of Cities, U.S. Conference of Mayors**

**Association of Clean Water Administrators
Association of State Floodplain Managers
Association of State Wetland Managers**

Environmental Council of the States
National Association of Conservation Districts
National Association of Clean Water Agencies
National Association of State Departments of Agriculture
National Association of Flood and Stormwater Management Agencies
National Conference of State Legislatures
National Governors' Association – Gov. Edmund Brown (CA) and Gov. Matt Mead (WY)
National Municipal Storm Water Alliance
National Water Resources Association
New England Interstate Water Pollution Control Commission
Western Governors' Association – Gov. Steve Bullock (MT) and Gov. Dennis Daugaard (SD)
Western States Water Council

****Joint Letter signed by Attorneys General from 20 states**

To: Chancellor, Erin[chancellor.erin@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 3:23:48 PM
Subject: FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

From: Fenton Rood [mailto:Fenton.Rood@deq.ok.gov]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA

- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)

- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Nolan, Rich[RNolan@nma.org]
From: Bennett, Tate
Sent: Thur 12/7/2017 12:43:18 PM
Subject: Re: Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today

Usual suspects

On Dec 7, 2017, at 7:40 AM, Nolan, Rich <RNolan@nma.org> wrote:

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: December 7, 2017 at 5:45:03 AM EST
To: <rnolan@nma.org>
Subject: Morning Energy: Pruitt heads to House grilling today — Major flop in Alaska lease sale bodes ill for ANWR estimates — McIntyre gets sworn in at FERC today
Reply-To: "POLITICO subscriptions" <reply-fe871372766d01787c-630326_HTML-637936621-1376319-0@politicoemail.com>

By Anthony Adragna | 12/07/2017 05:43 AM EDT

With help from Emily Holden, Eric Wolff and Alex Guillén

WELCOME TO CONGRESS, MR. PRUITT: EPA Administrator Scott Pruitt makes his long-awaited first appearance before a House Energy and Commerce subpanel this morning where he's expected to get grilled on a host of issues. The session will be broken into two segments — 10-11 a.m. and then 2 p.m. onwards — to allow Pruitt to attend a White House meeting on biofuels (more on that below). Look for E&C Environment Chairman [John Shimkus](#) to recognize the arrangement is "not ideal, but gives members maximum ability to personally question the administrator about the agency's mission" during his opening remarks.

What Republicans will say: Expect Chairman [Greg Walden](#) to press Pruitt on budget transparency and his plans to address staffing issues: "I expect that 'Back to Basics' is not an abdication of environmental protection, but rather a rededication to mastering the most fundamental aspects of EPA's mission," he'll say, according to prepared remarks glimpsed by ME. Shimkus said his questions could touch on a range of topics, including TSCA, brownfields, safe drinking water and the agency's staffing.

And Democrats? "We're all noticing the orientation toward the environment is completely different with respect to budgeting, with respect to climate change,

potentially with respect to methane, particulates," Rep. [Scott Peters](#), a subcommittee member, told ME. "So, I just think we want to get a sense of where he's going and how he'll measure success." The committee's top Democrat, [Frank Pallone](#), wouldn't reveal what he intends to grill Pruitt about when ME caught up to him in the hall.

Pro's Alex Guillén's expectations for Pruitt's first Capitol Hill appearance in six months: "Lawmakers have probably built up some serious questions in that time, so we could see questioning on practically any issue before EPA: the Clean Power Plan repeal effort; the Waters of the U.S. rewrite; Superfund work; proposed budget cuts; Pruitt's decision earlier this year not to ban chlorpyrifos; and his increased security and travel. Pruitt's [prepared testimony](#) offers a standard overview of his EPA philosophy."

Rally time: Environmental and public health advocates, including the Union of Concerned Scientists, Sierra Club, Business Forward and the Alliance of Nurses for Healthy Environments, will rally outside Rayburn at 9:20 a.m. to draw attention to Pruitt's lagging enforcement efforts, spending habits and overhauls of science advisory panels. Ahead of the session, the Environmental Defense Fund updated their "[Pruitt Playbook](#)" and the Union of Concerned Scientists offers some [suggested questions](#) to ask.

If you go: The [hearing](#) kicks off at 10 a.m. in Rayburn 2123.

WHY PRUITT'S LEAVING: Sen. [Ted Cruz](#) has secured a meeting today at 11:30 a.m. with President Donald Trump and several Cabinet members, including Pruitt, for what he told ME is likely to be a "free-ranging discussion" about biofuels and the [recent fights](#) over the Renewable Fuel Standard. His message? "We need to find a solution that is a win-win. That is a win for corn farmers across the Midwest but at the same time is a win for blue-collar union members who work in refineries and right now are being bankrupted by a regulatory system that isn't working," the Texas Republican said. Other Senate Republicans are expected to attend as well (perhaps the ones who signed [this letter](#)). Remember Cruz still has a hold on Bill Northey's USDA's farm and conservation mission nomination, so watch to see if that's lifted as the most immediate outcome of the session.

Oilies only: Sen. [Chuck Grassley](#) wasn't invited to the meeting, his spokesman said, but not to worry: Grassley has said that a White House RFS meeting would be "a waste of time." And if there's one thing energy world knows now, it's that if you don't have Gang Grain, you got nothing.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and no one was able to name the Father Millet Cross national monument (which has since been transferred by Congress to a state park) as our nation's smallest at just 0.0074 acres when designated. For today: Which state currently has the most national monuments at 18? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

ARCTIC LEASE SALE FLOP: Despite touting the "largest ever" lease sale in the National Petroleum Reserve-Alaska, BLM received just bids on seven of the 900 tracts offered, Pro's Ben Lefebvre reports. Those bids, generating just \$1.2 million in high bids, came jointly by ConocoPhillips and Anadarko for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue. Leasing of state land did quite a bit better, according to the Anchorage Daily News.

For perspective: At the price of \$14.99/acre, "leasing the entirety of the Arctic Refuge Coastal Plain's 1.5 million acres would raise slightly more than \$11 million in revenue for the federal government, a far cry from the billion dollar lie that Trump and Republicans are feeding the American public," the Alaska Wilderness League's Kristen Miller said in a statement. Remember the Republican budget calls for Senate ENR to kick in \$1 billion in revenue (which CBO said would come through ANWR drilling), though the lease results seem to bolster skepticism from environmental advocates and Democrats about those estimates.

Situational awareness: Energy Chairman Lisa Murkowski was named a tax conferee late Wednesday, along with Sens. Orrin Hatch, Mike Enzi, John Cornyn, John Thune, Rob Portman, Tim Scott and Pat Toomey. "With Congressman [Don Young] representing the House of Representatives on our energy provisions, Alaskans will have a very strong voice at the table to ensure this bill crosses the finish line," she said in a statement.

No (strategic petroleum) reservations: Count Shimkus, a tax conferee, among the backers of the Senate's approach of selling off 7 million barrels from the Strategic Petroleum Reserve as part of the final tax package H.R. 1 (115). "There was a reason to have the SPR," he told ME. "There is a credible reason to debate whether, for now and in the immediate future, there is a need." He also said he's a "big ANWR supporter" and that he doesn't see the Arctic drilling provision getting pulled from the final version.

INHOFE, PRUITT'S TOXIC LEGACY: POLITICO Magazine's Malcolm Burnley takes a deep dive into the contaminated Oklahoma region of Tar Creek, an area so poisonous that only 10 holdouts live there, and he finds a buyout program for residents that left Sen. Jim Inhofe awash in scandal and litigation. Then-Attorney General Scott Pruitt ultimately concluded an audit into possible criminal wrongdoing didn't warrant charges and he shielded his review from public release, only to have some in the state believe his efforts were designed to spare Inhofe embarrassment. Many residents in the polluted zone of Tar Creek continue to express shock that no one was prosecuted over what happened in their federal buyout program

Pruitt and Inhofe flatly denied there was any political motivation in shielding the audit. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said in an interview. "You would think that this wouldn't be a

political issue, that people wouldn't put on the red and blue jerseys." One interesting fact though: Ryan Jackson, now Pruitt's chief of staff, was once Inhofe's point person on the Tar Creek issue. Photo gallery [here](#).

Pruitt's new gig: Trump named the EPA administrator to chair the Gulf Coast Ecosystem Restoration Council, a group formed after the Deepwater Horizon oil spill restore the ecosystems and economies of the Gulf Coast, your ME host [reports](#). Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council.

MAY FERC NOW BE WHOLE: New FERC Chairman Kevin McIntyre will be sworn in today, bringing the five-member agency to full power, Pro's Eric Wolff [reports](#). His swearing-in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes

MORE HEARINGS COMING ON CLEAN POWER PLAN: EPA announced Wednesday it would hold additional public hearings on its plan to repeal the Clean Power Plan in San Francisco; Gillette, Wyo.; and Kansas City, Mo., Pro's Emily Holden [reports](#). Pruitt said the change was "due to the overwhelming response" and the agency will announce the dates and locations of the meetings in the coming weeks.

SPLIT OVER EXTENDERS? Ways and Means Chairman [Kevin Brady](#) told reporters Wednesday he doesn't like the idea of moving a package of extenders this year but hasn't made a final decision yet, Pro Tax's Brian Faler [reports](#). "It's horrible policy and process," he said. But those comments come as Thune, the Senate's number three Republican, said lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs." Doing an extenders package as the chambers work to iron out differences between their broader tax bills is likely to test tax writers' bandwidth.

Shutdown watch: Congressional leaders head to the White House for a meeting with Trump on government funding today, but GOP lawmakers expect to pass a two-week spending package despite internal division within their party, POLITICO's Rachael Bade and Sarah Ferris [report](#). House Freedom Caucus leaders have been asking for a commitment GOP leadership does not believe it can give them: a promise to "hold the line" and refuse Senate Democrats' demands for increased spending on non-defense programs.

House Democrats, including Minority Whip Steny Hoyer, hold a press conference at 10 a.m. in Cannon 234 to call on Republicans to take up additional federal assistance for Puerto Rico and the U.S. Virgin Islands. Watch [here](#).

ICYMI: Both sides framed their arguments at a hearing of the U.S. Trade Representative over whether to impose tariffs on solar equipment imports in language aimed at swaying Trump, Pro's Eric Wolff [reports](#).

PATAGONIA SUES OVER BEARS EARS: A coalition of groups, including Patagonia, became the latest to file a lawsuit challenging the Trump administration's downsizing of Bears Ears National Monument on Monday. Link to the lawsuit filed in Washington federal court [here](#).

ENDANGERMENT FINDING PUSHBACK STALLS: Conservative state lawmakers and businesses that are members of the American Legislative Exchange Council on Wednesday shot down an effort to urge Pruitt to challenge a science-based endangerment finding that requires EPA action on greenhouse gas emissions. "In subcommittee, a substantive conversation occurred where arguments were made for and against the draft model policy," said Bill Meierling, executive vice president of external relations for the group. "After debate, it was clear that neither the public nor the private sector supported the draft as written."

Meierling added that "ALEC members prefer to advance policy only after a consensus opinion has been reached." Reports suggested later the resolution had been pulled in the aftermath of strong opposition, including from Exxon Mobil. Pruitt was expected to speak at the ALEC meeting on Friday but canceled due to a "scheduling conflict," Meierling said.

NO COMMENT: Murkowski forcefully [urged](#) Sen. [Al Franken](#) to step down amid sexual harassment allegations on Wednesday, but a spokeswoman declined to state whether Roy Moore would be welcome on her committee if he wins the Alabama special election next week. "We aren't commenting until after the special election and decisions about committee seats are made by conference," she said. Outgoing Alabama Sen. [Luther Strange](#) currently has a slot on the energy panel.

THERE'S ALWAYS A TIE: Congressional Democrats said Tuesday they have evidence then-national security adviser Michael Flynn sent assurances to former business partners that a U.S.-Russia energy partnership in the Middle East, which reportedly would have included more than two dozen nuclear plants in the region, was "good to go," POLITICO's Kyle Cheney [reports](#). The revelations from a whistleblower came in [a letter](#) released Tuesday.

MAIL CALL! LET'S BOOST EFFICIENCY CAPS! A collection of energy efficiency organizations, led by the Alliance to Save Energy, sent a letter to congressional appropriators on Wednesday urging them to boost "budget cap allocations for federal energy efficiency programs." Failure to do so could result in steep cuts to EPA and DOE programs across the board, the groups warn. Link [here](#).

TAKE A GLANCE! LESSONS FROM THE RFS: The American Enterprise Institute is out with [a report](#) looking at policymaking lessons from the RFS. It argues the biofuels mandate would be better as a rate standard than a volume standard, EPA should issue multiyear rather than annual rules and that uncertainty should be explicitly incorporated into future rulemakings, among other things.

BAD SOLAR ACTORS: Campaign for Accountability released the results of a years-long investigation concluding two companies — Vivint and SolarCity — received more complaints about their sales tactics than others in the solar industry.

"Unfortunately, the deceptive sales tactics of solar companies, like Vivint and SolarCity, are making rooftop solar a risky bet," Daniel Stevens, the group's executive director, said in a statement. Read it [here](#).

DREAMS TURNED REALITY? The Center for Western Priorities is out with a report finding the Trump administration has already granted 13 of the energy industry's 24 top priorities. Read it [here](#).

SUGGESTIONS GIVEN: American Council for Capital Formation released a paper this morning with ten ideas for improving the regulatory process. It's the product of a November 2016 roundtable with Sens. [Mike Rounds](#), [Angus King](#), [James Lankford](#) and others. Link [here](#).

MOVER, SHAKER: Michael Boucher has joined Crowell & Moring LLP environment and natural resources practice as a partner in Washington. He joins from Dentons US LLP, where he led that firm's chemical, pesticide, and consumer product regulation team.

QUICK HITS

— California AG on Trump EPA: 'It's almost as if they believe they're above the law'. [The Hill](#).

— Wall Street's Fracking Frenzy Runs Dry as Profits Fail to Materialize. [Wall Street Journal](#).

— The IHS Markit electric resiliency study - much less than meets the eye. [Utility Dive](#).

— Patagonia sues over Trump's monuments order. [AP](#).

— Volkswagen Official Gets 7-Year Term in Diesel-Emissions Cheating. [New York Times](#).

— Pipeline explodes in southeastern New Mexico oil patch. [AP](#).

— Christie backs nuclear subsidies but won't sign 'wish list' bill from environmental groups. [POLITICO New Jersey](#).

HAPPENING TODAY

9:00 a.m. — The Washington International Trade Association holds an event as part of its NAFTA series: "[Energy and the NAFTA](#)," Ronald Reagan Building and

International Trade Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — EPA Administrator Scott Pruitt appears before the House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — "Transforming the Department of the Interior for the 21st Century," House Natural Resources Oversight and Investigations Subcommittee, Longworth 1324

11:00 a.m. — The World Bank conference call briefing on the One Planet Summit, RSVP: himtiaz@worldbankgroup.org

12:00 p.m. — "The Business Case for Tax Incentives Promoting Energy Efficiency," Alliance to Save Energy, Rayburn 2203

2:00 p.m. — The House Natural Resources Federal Lands Subcommittee holds a hearing on various bills, Longworth 1324

2:00 p.m. — "OPEC's World Oil Outlook 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/12/pruitt-heads-to-house-grilling-today-043377>

Stories from POLITICO Pro

Biofuel backers claim victory in EPA battle [Back](#)

By Eric Wolff | 10/20/2017 05:37 PM EDT

Biofuels backers were breathing a sigh of relief on Friday after EPA Administrator Scott Pruitt backed away from changes to the Renewable Fuels Standard, a reversal that left oil refiners frustrated.

Pruitt acceded to demands from Sen. Joni Ernst that he publicly promise not to pursue plans to change the biofuel program rules — changes that had been sought by oil refiners who have long complained about the costs of implementing the program that many see as a giveaway to the corn states.

Pruitt's letter to Ernst, Sen. Chuck Grassley and five other Midwestern Republican senators delivered what they'd asked for: A promise not to expand the group of companies required to comply with the program, to keep the biodiesel volume requirements at levels proposed in July, to not alter the policy that strips RFS credits

from exported ethanol, and to explore allowing year-round sale of gasoline with 15 percent ethanol nationwide.

The quick reversal by Pruitt — at the direction of President Donald Trump — showed the influence of the biofuel lobby, corn growers and farm-state lawmakers to scuttle changes in the decade-old policy sought by the energy industry.

"This was a basket of bad ideas for biofuels," said Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council. "And there's no way that we could have any other response than to take this approach. [Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul."

The push by the senators, as well as Midwestern governors, "made a huge difference in this matter," said Michael McAdams, head of the Advanced Biofuels Association. "In addition, the collective unity of the entire biofuels industry, including those who distribute and market these fuels, made a significant impression on the importance and support for the RFS program."

But oil refiners who have said the high cost of biofuel credits, called Renewable Identification Numbers, was costing them hundreds of millions of dollars, lamented the power of the biofuels lobby and the corn-belt lawmakers.

"The [Pruitt] letter is a result of political pressure applied by Midwestern politicians," said one refining source. "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA."

The unified and vociferous campaign by the biofuels industry in attacking the proposal that would have lowered biodiesel volume mandates surprised some in the refining industry, as well as the political staff in the EPA, sources tell POLITICO.

The Trump administration's embrace of the oil industry had raised refiners' hopes that it could have the best opportunity in years for significant RFS changes, and refining giant Valero Energy, along with a group of Pennsylvania companies, believed they would get relief from what they considered an onerous program.

But Grassley took to the Senate floor to blast Pruitt's biofuel plans as a "betrayal" of Trump's promises to protect ethanol, and he arranged a call with Trump and Pruitt that led to the meeting in his office with Pruitt and Ernst as well as Deb Fischer (Neb.), John Thune (S.D.), Ben Sasse (Neb.), Pat Roberts (Kan.) and Mike Rounds (S.D.). Following that meeting, Ernst demanded the public statement from Pruitt, and said she would withhold her support for Bill Wehrum, who was nominated to run the agency's air office, forcing a delay in the Environment and Public Works Committee's vote until next week.

Ernst spokeswoman Brook Hougesson told POLITICO, "Now that Sen. Ernst has received the assurances that the EPA will support the spirit and the letter of the RFS, she will support Mr. Wehrum."

Valero was disappointed its efforts to change the program had been shot down by the fierce political opposition.

"These senators have intervened in a regulatory process, and the proposals and concepts in the letter address RFS implementation problems to which these senators have offered no constructive solutions," Valero said in a statement. "The only unifying principle of their bullying opposition seems to be a desire to maintain the status quo at all costs and to protect windfall profits associated with unregulated trading of renewable identification numbers, or RINs. Their position advances neither the goals nor the efficient implementation of the RFS, and places U.S. manufacturing jobs at risk."

But in a statement, the White House made clear that Trump remained fully behind the biofuels program.

"President Donald J. Trump promised rural America that he would protect the Renewable Fuel Standard, and has never wavered from that promise," spokeswoman Kelly Love said in a statement. "The president has had constructive conversations with several key officials about the RFS over the past week, and he understands their concerns. The Trump administration will protect the RFS and ensure that our Nation's hardworking farmers continue to fuel America."

One energy executive said the biofuel backers were victorious because they were unified in their support for the RFS, while Republicans, the oil industry, and even the refiners were not on the same page.

"The ethanol boys won this round, no doubt, but at a pretty high cost," said Stephen Brown, vice president for federal government affairs for Andeavor. "The refining industry is anything but united on the RFS beyond a sunset as individual companies have each made investments and honed mitigation strategies to comply with the statute. As those investment decisions become increasingly operationally embedded, the industry will continue to splinter on the suite of RFS issues."

But some producers are still wary of Pruitt's pledge in his Thursday letter, and they note that he promised to release a final rule in which none of the mandatory volumes will be less than he proposed in July. For some producers, those volumes were already too low.

"There's some work to do here," Coleman said. "We won't know until the rule is done. And we recognize it's an ongoing rulemaking, it's not like they're going or republish the rule, they've said what they can say. The final rule really matters."

To view online [click here.](#)

[Back](#)

'Largest ever' Interior Alaska oil lease sale draws little interest [Back](#)

By Ben Lefebvre | 12/06/2017 08:26 PM EDT

The Interior Department received only seven bids from two companies today in what it had billed as the "[largest ever](#)" oil and gas lease sale in the National Petroleum Reserve in Alaska.

The bids on the 10.3 million unleased acres in the NPR-A generated just \$1.2 million in high bids, according to a Bureau of Land Management summary. The relatively low amount could undercut GOP arguments that opening up the nearby Arctic National Wildlife Refuge would generate \$1 billion in revenue.

A BLM Alaska [lease sale last year](#) generated \$18 million for 1.4 million acres offered.

Subsidiaries of ConocoPhillips and Anadarko were the only two companies that participated in the lease sale. The companies only bid for 80,000 acres, or less than 1 percent of the acreage offered. The highest bid amount was \$14.99 per acre.

Low oil prices and the relatively cheap and plentiful land available for hydraulic fracturing in the lower 48 has hurt oil company interest in the out-of-the-way fields of Alaska and the Gulf of Mexico. Interior Secretary Ryan Zinke and Sen. [Lisa Murkowski](#) (R-Alaska) have pushed to open more public land to drilling, however, saying that doing so is important to increase domestic energy production.

Zinke had previously said that today's "large and unprecedented sale in Alaska will help achieve our goal of American Energy Dominance."

An Interior spokesperson did not immediately respond to questions.

WHAT'S NEXT: Republicans hope to keep ANWR drilling provisions in their budget proposal.

To view online [click here.](#)

[Back](#)

Democrats worry Arctic National Wildlife Refuge being lost amid tax debate [Back](#)

By Ben Lefebvre | 11/29/2017 05:17 AM EDT

Democrats' fight to keep oil and gas rigs out of the Arctic National Wildlife Refuge is losing ground as the Republican tax plan advances — and it's almost as if no one has noticed.

The prospect of drilling in the untouched Alaskan tundra is as close to reality as it's been in more than a decade, with none of the political drama that in past decades turned the refuge's fate into a top-tier rallying cry for liberals. Legislation to allow drilling in ANWR is quietly hitching a ride on the tax code overhaul that Senate Republicans hope to complete by the end of the week, overshadowed by larger debates on whether the bill is a giveaway to rich people and corporations at the expense of the poor and working class.

"It's really not gotten the attention that it should," Sen. Tammy Duckworth (D-Ill.), a member of the Energy and Natural Resources Committee, told POLITICO about the ANWR provision. "It's not just the budget discussion. It's about everything else that's going on, the flurry of all sorts of other news."

Angus King (I-Maine) said Republicans were trying to shield ANWR from opposition by adding it to the larger bill rather than bringing it to the floor separately under rules, which would require it to win support from 60 senators to overcome a filibuster.

"Well, clearly the strategy is to try to get it through as part of this tax reform effort and thereby avoid a direct up-or-down vote," King said in an interview earlier this month.

The nonstop news cycle and preponderance of other concerns with the tax bill are making it difficult to focus on an issue that normally fires up Democratic voters.

"I do think that putting ANWR in the budget reconciliation package hasn't drawn as much extremist opposition because it is completely overshadowed by tax reform, which is the center of the package," said Chris Guith, senior vice president of the U.S. Chamber of Commerce's Global Energy Institute. "But there are some who aren't exactly supportive of tax reform that support ANWR, and it's possible to see ANWR bring a vote or two to help pass tax reform."

Senate Energy Chair Lisa Murkowski (R-Alaska) easily advanced legislation through her committee directing the Interior Department to hold two lease sales for drilling in ANWR over the next decade. It would raise \$1 billion over that period, according to the Congressional Budget Office, making it eligible for inclusion in a budget reconciliation package that Democrats cannot filibuster.

The reconciliation package also will include Republicans' tax plan and a repeal of the Obamacare individual mandate. While Murkowski helped scuttle the Obamacare repeal push earlier this year, she says she supports ending the mandate. Murkowski's office did not respond to a request for comment.

ANWR, a swath of tundra on the northern Alaska coast, is home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years. Congress designated the 19 million-acre area a wildlife refuge in 1980, but it set aside a 1.5-million-acre parcel known as "10-02" for possible drilling if future lawmakers approved such a plan. The U.S. Geological Survey estimated in 1998 that part of ANWR could hold up to 12 billion barrels of oil, and President Donald Trump and Alaska Republicans have called it essential for their plans for American "energy dominance."

Sen. Susan Collins (R-Maine), who is undecided on the tax bill for a several reasons, said she will support an amendment on the Senate floor to eliminate the ANWR language, but she said success there is not a prerequisite for her to vote for the underlying bill. "No it is not, but I would certainly try to get it out of the package," Collins told reporters Tuesday. Collins was the only Republican to cross the aisle on an unsuccessful amendment to keep pro-drilling language out of the underlying budget resolution, meaning it is unlikely that she would be able to strip the ANWR provision from a reconciliation bill.

But Democrats say that passing a deficit-increasing tax bill in order to open ANWR would actually harm energy-producing states. That's because the \$1.5 trillion shortfall from the GOP tax cuts would trigger required "pay-as-you-go" cuts to mandatory spending programs, according to a CBO analysis sent to House Minority Whip Steny Hoyer (D-Md.).

One of the programs on the pay-go chopping block would be the energy royalty revenue sharing program carried out through the Mineral Leasing Act. Cutting those payments would lose Alaska an estimated \$15 million in energy royalty payments next year alone, an amount important to a state already facing budget shortfalls.

"Communities throughout the West would be impacted by the loss of revenue, which is used to support a variety of needs including infrastructure, school funding, conservation, and recreation," Hoyer said in a statement to POLITICO. "This is yet another example of the consequences associated with forcing through legislation to add \$1.5 trillion to the deficit in order to give tax cuts to the wealthy."

Pay-go cuts also would hit popular programs like Medicare and student loans, but Congress can waive the law with 60 votes in the Senate. Democrats are not yet on board with that approach.

The current push to open ANWR, coming amid a swarm of competing headlines and buried in larger legislation, has come nearer to succeeding than the GOP's two previous attempts. President Bill Clinton vetoed a budget package in 1995 that included language opening ANWR, while a Democratic filibuster thwarted a second attempt in 2005.

Environmental groups have targeted public engagement at only a handful of congressional districts. The League of Conservation Voters spent \$550,000 on television ads in three Republican congressional districts. The LCV also paid for a bipartisan polling firm to probe public opinion on opening ANWR, but even that focused only on registered voters in eight congressional districts.

"The reason they're trying to sneak it into the tax package is they know they don't have the votes otherwise," said Tiernan Sittenfeld, the league's senior vice president of government affairs. "They know they can't pass it under regular order, that's why they're doing a sneak attack."

Even ANWR supporters are staying out of the spotlight.

"I haven't seen any full-out, front-page ads, nothing like that," Alaska Oil and Gas Association President Kara Moriarty said. "We're a little battle-weary, to be honest. Alaskans support opening up ANWR. There's been a few statements reiterating that."

Nick Juliano contributed to this report.

To view online [click here](#).

[Back](#)

The Environmental Scandal in Scott Pruitt's Backyard [Back](#)

By Malcolm Burnley | 12/06/2017 05:57 PM EDT

PICHER, Okla. — Tar Creek, Oklahoma, is breathtaking in a terrible way: At one time the world's deepest source of lead and zinc, the three-town region is now a cratered landscape so poisonous that no one, aside from 10 holdouts, can live there. Mountains of ashlike "chat," a toxic residue from lead-zinc milling, rise majestically among the remains of homes torn from their foundations. Abandoned pets forage around the ruins. A child's teddy bear lies sprawled in a ghostly living room. A gorilla statue fronts an empty high school, atop a sign proclaiming "1A Football State Champs, 1984."

Tar Creek is also part of the environmental legacy of one of the state's—and nation's—leading politicians, Senator Jim Inhofe, and his longtime ally, Scott Pruitt, the former Oklahoma attorney general who is now head of President Donald Trump's Environmental Protection Agency. After the EPA struggled to clean up the area, in 2006, Inhofe endorsed a plan in which a trust overseen by local citizens would use federal dollars to purchase homes and businesses in the toxic region so residents could move elsewhere. Then, when the plan proved so problematic that it spawned more than a half-dozen civil lawsuits and an audit into possible criminal wrongdoing, Pruitt, as the state's attorney general, invoked an exception to state freedom-of-information laws to keep the audit from being an open public record.

Now, that decision is coming into new light as many Oklahomans clamor for the audit to be released, suggesting that its revelations will prove embarrassing to Inhofe, who played a key role in designing the buyout plan, and cast doubt on Pruitt's decision not to move forward with charges. Last week, a Washington, D.C., nonprofit called the Campaign for Accountability raised the stakes even further, filing suit in Oklahoma courts to force the release of the audit.

"If you take a look at Scott Pruitt's record, you see a general disregard for transparency," said Daniel Stevens, the group's executive director. "I don't think it's outside our bounds to say that Pruitt is trying to hide evidence of criminal wrongdoing."

Pruitt, in an interview, dismissed the idea that he was covering anything up, saying his former office's grand jury unit reviewed the audit and determined that no charges were warranted. He said he declined to make it public because he didn't want innocent people to be besmirched, even though the auditor rejected that reasoning and maintained it should be a public document. "It was important to protect the individuals' reputation that were in that investigation," Pruitt said.

Nonetheless, the mess at Tar Creek continues to follow Pruitt in other ways. As EPA administrator, he has assumed full responsibility for the still-faltering cleanup. And eyebrows were raised in Oklahoma this past January when, as Pruitt was awaiting confirmation for his EPA post, a White House spokesperson told Bloomberg News that the handling of Tar Creek was emblematic of Pruitt's philosophy: "national standards, neighborhood solutions."

Pruitt, in an interview, said he knew nothing about the Bloomberg article, saying only that he endorses the EPA's current work at Tar Creek and the principle of combining federal resources and state and local leadership, rather than the buyout that occurred before his time as EPA administrator, while he was Oklahoma's attorney general.

"I think as far as a model going forward outside of the buyout, what we're trying to do is have a renewed focus on what I think are some of the most beneficial things we can do for citizens across the country, and that's to address some of these legacy sites that have substantial environmental challenges that allow them to once again enjoy the communities in their backyard," he said.

But many residents of the Tar Creek area, who gave up their homes in a buyout they considered both coercive and corrupt, continue to blame Pruitt for the fact that no one was prosecuted. They described a program so rife with good-old-boy corruption that certain individuals received outsize payoffs while some homeowners got so little they couldn't relocate anywhere nearby; meanwhile, they said, the people hired to demolish the homes received inflated contracts through a flawed process.

"We were lied to and deceived from Day One," said Gloria Workman, who said her

son has learning disabilities from growing up in the polluted zone of Tar Creek, which had lead-poisoning levels in children that were three times higher than those registered in Flint, Michigan, during the peak of its recent water crisis. "Not only were we losing our homes, we were raped in the process."

"It was a nightmare," said Mary Thompson, who was still awaiting a resolution from the trust when an EF4 tornado ripped through Tar Creek in 2008, throwing bodies and trailers through the sky, killing six people and destroying more than 100 homes. Without homes, many people took lower-than-expected buyout offers—however insufficient they were perceived to be—because they had nothing left, she said.

"They preyed on us after the tornado," said Thompson, whose home was leveled.

Nonetheless, Inhofe, in a 2015 news release touting the completion of the buyout, cast it as a success because it did not lead to an expanded federal role.

"This is an example of a government program created for a specific purpose and then dissolves after the job is completed," Inhofe proclaimed.

Now, he continues to defend it but sounds less celebratory. "The first thing to know about the Superfund site at Tar Creek is that it's what's called a 'mega-site' and that it is an exceptional circumstance in every way. You can't compare it to any other Superfund site in the country," Inhofe said in a statement to POLITICO. "The voluntary relocation assistance to get people out of harm's way was right for the situation at Tar Creek, but may not be for every other Superfund—that is why state and local partnership is critical."

To many former residents, who still want the investigative report by the state auditor to see the light of day, even these modest and conditional endorsements feel like slaps in the face.

"People hate the government out here, and it's because of things like this," said Aletha Redden, a lifelong resident of the area who has a Donald Trump bumper sticker on her pickup truck. "I want Scott Pruitt to know: This is not the model."

A flat expanse of dusty roads and scrubby vegetation situated in the heart of Tornado Alley, the Tar Creek area was once the mainstay of the Quapaw Tribe, which was forcibly relocated there by the U.S. government in 1834. At the time, the territory had little economic value, but a half-century later, prospectors discovered enormously rich ore. By the turn of the 20th century, companies broke ground with drill rigs on Quapaw land.

Many of those firms made fortunes, luring white settlers into an uneasy state of coexistence with the Quapaw. Tar Creek proved to be the deepest reservoir of lead-

zinc ore in the world, producing a whopping \$1 billion in minerals between 1908 and 1950, according to the Oklahoma Historical Society. Picher, the largest of the mining towns, swelled to a population of 14,000.

Almost every aspect of life in Tar Creek traced back to the mines. The high school took on the mascot of a gorilla, a reference to workers in the mines who broke up boulders with hammers. Children played in sandboxes filled with chat, the chalky mining debris. Teenagers earned the nickname "chat rats" for climbing up the pillowy piles of toxic rubble throughout town and rolling tires down their slopes.

By the end of World War II, however, the boom was over. Most of the mining companies decamped for richer pastures. For the families left behind—including that of Yankees slugger Mickey Mantle, who grew up in the Tar Creek area in the 1940s—it was a slowly unfolding disaster. The extent of Tar Creek's collapse was reflected in the words of John F. Kennedy, who barnstormed into Joplin, Missouri—25 miles away from Tar Creek—in the closing days of the 1960 presidential campaign.

"My own judgment is I know no tougher occupation in the world that [sic] to be a miner, lead, zinc, coal. I am always glad to meet them because I think they live with peril," Kennedy declared. "They have as tough a life as there is. Every other one whose hand you shake has a finger off, a foot crushed, the chances of in 20 years their having a bad accident are more than any of the rest of us. And yet in this community and in West Virginia and Idaho and in other sections of the United States, there has been no group that has been harder hit, no group that has been more forgotten."

Indeed, after the last prospector looking for ore packed up and left in the mid-1970s, people looked to casinos and farming to make a living. But the residue from decades of mining was poisoning them. In 1979, acid mine water leached into the ground, threatening the area's aquifers, killing fish and turning creeks a rusty orange color. When the federal Superfund program—designed to clean up the nation's most polluted and contaminated land—kicked off in the early 1980s, Tar Creek was named to the inaugural National Priorities List. It's still on the list.

The EPA has spent more than \$176 million over the past 25 years on cleanup work inside the 42-square-mile-area, on projects from plugging mine shafts to removing contaminated surface soil in people's yards. Though the amount of money sounds large, it hasn't been nearly enough to remove the toxic dangers, and many residents insist the cleanup was mishandled from the get-go. In some cases, the removal of soil resulted in sloping yards, which, during bouts of rain, caused flooding and mold inside houses. In 2000, the FBI raided the offices of the EPA's prime contractor at Tar Creek, Morrison-Knudsen. The company later settled a lawsuit brought by the federal government alleging false representation of billing and progress reports for a sum of \$1 million. In the settlement, the company made no admission of wrongdoing.

Meanwhile, the environmental hazards began to multiply: Shortly after the start of that Superfund spending spree, in 1993, researchers at the University of Oklahoma found

that 34 percent of Quapaw children were living with lead concentrations above the federal limit. Further studies found alarming rates of lead and arsenic in both the tribal and non-tribal populations. In 1997, a university-lead study estimated that 21 percent of children near Tar Creek had elevated blood-lead levels (defined as 10 micrograms per liter at the time), which is three times higher than the highest measurements found in Flint, Michigan, in 2015. The learning disabilities and memory loss that had plagued the schools and curtailed lifespans for decades suddenly had a culprit.

As the dangers became ever-more visible and the cleanup lagged, residents rallied around the idea that the government should quickly buy them out of their homes, rather than wait for the hazardous materials to be removed. They thought they might have an ally in the state's senior senator, Inhofe, a Republican who was chair of the Senate Environment and Public Works Committee. But Inhofe, who has a skepticism about environmental science that exceeds that of any of his colleagues, refused to consider the idea. "There will never be a buyout. I promise you that," Inhofe told the *Tulsa World* in late 2003.

Inhofe's refusal to take action of any sort was often criticized in local press, due in part to the relentless attacks of a young Democratic congressman named Brad Carson. "If you'd asked people in Oklahoma politics at the time, they'd say we were mortal enemies," said Carson, referring to himself and Inhofe. "I was elected [to Congress] in 2000, and my goal was to untie the Gordian knot. The area is desperately poor. If it was in suburban Tulsa or Oklahoma City, there would've been outrage."

In 2004, Governor Brad Henry signed a bill authorizing the use of state dollars for the relocation of roughly 100 families with children under the age of 6. Under pressure to take further action, the senior senator began to come around. At first, he secured \$2 million in federal funding to pay for a study that discovered that 286 homes within Tar Creek were at risk of being swallowed up from cave-ins of underground mine shafts. This provided an opportunity for Inhofe to reverse himself on the buyout, supporting it on the grounds of protecting residents from cave-ins.

"The stability with the underground mine workings was worse than anyone had previously been thought," recalls Ed Keheley, a retired nuclear engineer and native of Picher who co-authored the study's final report. In the spring of 2006, Inhofe announced a joint federal and state buyout program that would begin with \$20 million in funding, with the express purpose of relocating any and all people who'd voluntarily leave Tar Creek.

Having once opposed the buyout to his political detriment, Inhofe now used his clout to keep on funding it, but with the idea that decision-making would be concentrated among local leaders, not the federal government. With Inhofe's support, the Oklahoma legislature created a nine-member panel called the Lead Impacted Communities Relocation Assistance Trust to assume control over the project. The members were all volunteers, helping their community, but some had a vested interest in the buyout: They included, for example, a local banker whose institution would later give loans to

people to help them relocate; local property owners whose own homes—and those of relatives—would be subject to the buyout; town officials; and a leader of the Quapaw Tribe.

Inhofe cast himself in the role of the community's protector, putting out a 2008 campaign ad that declared: "Tar Creek: poisoned earth, the threat of schools and churches sinking into abandoned mines. Everyone thought it would be too much to tackle, except for one stubborn man named Inhofe."

But over a five-year period, the buyout would become the subject of a host of civil lawsuits and the subject of a state investigation.

The local members of the trust—few, if any, of them schooled in environmental management—had two major tasks: figuring out how much each property owner should be paid for their home or business, and then choosing a company to demolish the properties. Both tasks would become the subject of complaints about cronyism, with residents saying the trust members rewarded their friends and politically connected individuals.

It didn't help that the trust often met behind closed doors, and that the vice chairman of the trust resigned within a year. The trust's sole employee, operations manager Sonya Harris, also quit, declaring in her resignation letter that she could no longer continue "with a clear conscience without recommending a change; I will not place myself in a position to be perceived as approving of the operations to this point."

The first case to raise eyebrows involved the mayor of Picher, Ernest "Sam" Freeman. In 2005, when the buyout was first being discussed as a probability, he acquired three large parcels of former mining land covered with chat from the Picher Development Authority, which he chaired. Freeman bought them at 3 cents per square foot, for a total price of \$2,088.50, according to the findings of a state audit at the time. It was, the audit declared, a violation of state laws forbidding members of public boards from entering into contracts with those boards. Ottawa County District Attorney Eddie Wyant called on Freeman to return the properties to the development authority in lieu of charges.

"If Sam wanted to buy that land, he needed to get off the board and purchase it legally," Wyant told a local newspaper at the time. "I am not one to put anyone in jail over this, but he needs to clear it up." Wyant, when reached by phone, declined to comment further.

Freeman returned the land, but, in a move that enraged some neighbors, profited off it anyway. The trust had decided that, because so much former mining land had been taken over by state authorities and tribal members, those who owned mobile homes or other shelters on land they didn't own would be eligible for buyouts. Freeman made a

claim based on the fact that he had been maintaining and renting out homes on the chat-infested property for years before he tried to buy it.

Trust documents show that Freeman received at least \$274,000 from the buyout, more than half of which came from the same lots he had been ordered to return by law enforcement. (Freeman told POLITICO a payout of more than a quarter-million sounded accurate enough, though he declined to provide an exact figure.) Neighbors suspected cronyism. Freeman, who is no longer mayor, denied receiving any preferential treatment. "These people thought I bought the lots to make a killing in the buyout," he said. "I don't think I got more than anyone else would have."

The size of the mayor's profit diminished public confidence in the trust, just as it was engaged in the most delicate part of its task, figuring out how much to pay each individual property owner. Property owners were supposed to receive fair market prices as if pollution hadn't existed in Tar Creek, based on the sales of similar properties elsewhere in northeast Oklahoma. But those calculations appeared to lack uniformity.

The average payout for the 695 properties involved in the buyout was just over \$65,000, but the disparity in prices between two properties could be dramatic. Residents complained about lowball offers on some decent properties and overly high payouts for others that were rundown or minuscule in size.

"I got \$3,000 for my gun shop. It took me \$16,000 to build it," said former Tar Creek resident John Frazier.

Wally Long said he and his wife got \$35,000 for their Dairy Queen, while another Dairy Queen right up the road got substantially more.

"We were told [by the trust] that's all the money there is," Long said. "It bothered my wife a lot. She put 23 years of her life into this business."

Meanwhile, a trust member named Janell Trimble got \$185,000 for her house, and her brother collected \$115,000 for his fiberboard house.

"I may be a member of the [relocation trust's committee], but I honor my duties and I recuse myself when family members are involved," Trimble told the *Tulsa World* in 2008. "[B]ut as a buyout participant I also expect to be treated just like the next person."

Nonetheless, both Trimble and her brother received more than 35 percent above the average price per square foot. On the other end of the spectrum, an elderly woman named Betty Betts received an offer of \$12,000 for her home; when she protested, the appraised value was raised to \$20,000. Many people got so little for their homes that they had to turn around and take out loans in order to resettle elsewhere in Oklahoma. In the end, the trust finished up with millions in unspent funds.

Residents concentrated their anger on the company that the trust hired to conduct the appraisals, Cinnabar, which had previously made headlines for its management of a noise-insulation program at the Tulsa Airport, which involved multiple lawsuits. In response, the trust engaged an "appraisal reviewer" to go back over Cinnabar's work. But the reviewer, a company named Van Tuyl Associates, quickly came under criticism as well. "They [often] didn't get out of their car. They never entered these homes," said Keheley, who was a member of the trust at the time. (Van Tuyl Associates is now defunct; its former president could not be reached for comment.)

When the unrest over the buyout made the local newspapers, the trust's leadership pointed to a 95 percent acceptance rate for buyout offers. But some residents accused trustees of pressuring them with "take it or leave it" offers, according to a class-action lawsuit brought against the trustees, Cinnabar and Van Tuyl by more than 250 residents affected by the buyout. Plaintiffs also complained that they were denied the right to view the appraisal paperwork. There was even a fake camera—and posters notifying residents they were being videotaped—in the room where buyout offers were made, an apparent attempt to compel residents to take the offers, according to documents in the suit.

The suit, filed in Oklahoma district court, accused the defendants of cheating average property owners and rewarding friends and associates of the trustees. Depositions revealed an explanation for some of the inconsistencies in appraisals: For certain properties, Cinnabar expanded the boundaries of where it could find "comparables"—properties in adjacent counties whose sale prices were used to calculate the appraisals—with the approval of a state employee named J.D. Strong, who, according to the lawsuit, played a significant role in overseeing the trust.

One of the properties appraised in this fashion was that of Trimble, whose \$185,000 payout, according to appraisal documents, had infuriated other residents.

When, in 2008, residents outlined their frustrations in a scathing six-page letter to Inhofe, Henry and other elected officials, Strong dictated the governor's reply, which was co-signed by Inhofe, lawyers for the plaintiffs asserted in his deposition. "I may have drafted this," Strong responded, when presented with a copy of the letter saved on Strong's computer.

In an interview, Strong defended the trust and its system of appraisals: "We knew going in that we weren't going to be the most popular. We went in with the idea that we were going to be fair. I can honestly say that, looking back, we were fair and unbiased and frugal."

During the six years the lawsuit was making its way through the state court system, both Cinnabar and Van Tuyl Associates declared bankruptcy. Eventually, the plaintiffs and the trust settled the case in 2015 for \$1.3 million, which, after deducting attorney fees, meant that each resident ended up receiving an additional \$2,600.

But that didn't satisfy many property owners.

"The people of Tar Creek were treated like second-class citizens, based on where they were born and lived," concluded Wally Kennedy, a columnist at the *Joplin Globe* who reported on northeast Oklahoma, including Tar Creek, for more than 30 years. "For someone to portray the buyout of the people of Tar Creek as a successful program is lying through their teeth."

Once the trust obtained the properties on the toxic land, the next problem was how to destroy the empty structures that were on them.

Inhofe made sure there was enough money for the job. Even as he joined fellow Republicans in condemning President Barack Obama's 2009 stimulus bill as an unwarranted giveaway, the senior senator helped secure an additional \$15.7 million in the bill to help the trust finish its work.

The trust hired a local businessman named Jack Dalrymple to oversee bids for the demolition contract. He was best known for organizing an annual deer hunt for paralyzed veterans, an endeavor that earned him a lifetime achievement award from a local Chamber of Commerce. His payment was to be 10 percent of the value of the winning bid. He formulated a scoring system to evaluate bids and, in March 2010, the trust awarded the contract to Stone's Backhoe, the most expensive of all four bids. At \$2.1 million, it was nearly four times the cost of the lowest bidder.

Just 14 days after Stone's was declared the winner, it asked that the contract be reassigned to two subcontractors, CWF Enterprises, a carpet-cleaning business, and Vision Construction and Management. Former residents contend that there were longstanding ties between Dalrymple and the subcontractors. Whether or not they were friends before, they soon became hunting buddies. In October 2012, local coverage of Dalrymple's annual event for paralyzed veterans pictured the heads of the two firms setting up the flag for the hunt.

One of the losing contractors filed suit against the trust and individual trustees in Oklahoma district court, accusing them of violating the state's open-meeting act and competitive bidding act. The district county judge sided with the plaintiff, reopening the bidding process.

But rather than blame Dalrymple, the trust gave him a new contract. It included a flat rate for his services, \$305,472—about \$100,000 more than he would have received had the contract remained with Stone's.

In January 2011, a \$1.7 million demolition contract was awarded to none other than CWF Enterprises, the carpet-cleaning business, which was also the least expensive of

the three bids received. A month later, however, the estimated cost of the contract ballooned to \$3,050,786—almost exactly 10 times what Dalrymple received in his new contract.

While many residents cried foul, Andy Lester, the trust's attorney, attributed the increase to the fact that the EPA-controlled repository for dumping debris had just closed down. Trekking the remains of the houses and businesses to a dumping ground further away caused the massive change order, and a near doubling of the contract.

Lester also defends the choice of Dalrymple to handle the bids, contending that he was an engineer with some prior experience with public contracts and that the trust members couldn't handle the process on their own.

"It is important to remember that the trust board consisted of nine members—including, for example, a physician, a school teacher, and a mushroom farmer. They were volunteers, not professionals at this kind of work," Lester said. "Jack Dalrymple is a professional engineer with significant experience. And candidly, there are very few professional engineers in northeast Oklahoma."

Nonetheless, lawyers out of the Tulsa region filed a lawsuit in 2012 under the False Claims Act that accused the trust members, Dalrymple and the heads of the companies hired to do demolition work of being part of a "good old boy network" and defrauding federal taxpayers.

Attorneys for the plaintiffs, Zach and Brad Barron, say the lawsuit fizzled when the Department of Justice took the stance that "the government didn't sustain damages" from the charges laid out in the complaint. In a false claims lawsuit, where the plaintiffs are effectively trying to recoup money that's owed to the government, a lack of willingness from the government is effectively a death knell, the Barrons said. The lawsuit was eventually dismissed.

In an interview, Dalrymple insisted the allegations of cronyism were entirely unfounded.

"There were a lot of emotions and feelings during that period," he said. "When you ask someone to leave their home, it's a tough thing. But ... there was nothing there."

Still, the drumbeat of complaints continued, eventually reaching the ear of Jerry Morris, the state director for Oklahoma's then-junior senator, Republican Tom Coburn.

It was no secret that Coburn, a physician who cast himself as a political outsider, didn't look upon Inhofe with any sort of fond feelings of mentorship.

"I think they were often seen as having very different approaches to politics," said

David Blatt of the Oklahoma Policy Institute. "Inhofe is seen as a classic, pork-barrel politician who'd bring federal dollars to Oklahoma, the more the merrier." Whereas Coburn, Blatt says, "hated that kind of politics and did as little of it as he possibly could. In fact, he spoke disdainfully and caustically about it the whole time he was in the Senate."

Coburn was not shy about stepping on his fellow Republican's toes. Morris forwarded a memo with a lengthy list of allegations related to the awarding of contracts in the Tar Creek buyout, especially regarding the demolition work, to then-Attorney General Pruitt. In April 2011, Pruitt asked the state auditor and inspector, Gary Jones, to look into the memoranda sent from Coburn's office.

"I have determined that these concerns are serious in nature such that an investigation of the matter is warranted," Pruitt wrote to Jones. A 17-point list of allegations for Jones to investigate followed, including whether there was collusion between Dalrymple and the contractors hired to do the demolition work.

After spending almost two years on the investigation, Jones turned over the results of the audit to the attorney general's office in January 2014, apparently believing it had uncovered important information.

For a year and a half, the attorney general sat on the findings. Then, in May 2015, Pruitt announced that he wouldn't press charges. In addition, he vowed to keep the audit secret by refusing to release it.

Jones fired back at the attorney general's office days later, penning a letter to Pruitt that described his rationale for withholding the audit as "baffling."

"To our knowledge, the individuals named in the report are members of a public trust or contractor whose services were retained as part of this substantive project," Jones wrote. Further, he contended, "our office has received no inquiries from you or your staff regarding the content of the audit report."

Pruitt justified the secrecy by comparing the investigation results to the findings of a grand jury. "Specifically, our office is concerned about publication of unsubstantiated criminal allegations against private citizens," Pruitt wrote in a 2015 statement.

In an interview with POLITICO, Pruitt appeared to go one step further, suggesting the audit had in fact been vetted by a grand jury.

"You're addressing issues that it's been some months since I've looked into," Pruitt said. "I know the decision I made at that time was based upon the investigative audit. The investigative audit didn't yield anything to the grand jury, and, as such, it was important to protect the individuals' reputation that were in that investigation."

But when asked to clarify, a Pruitt staff member indicated that he was using the term

"grand jury" as shorthand for the Multi-County Grand Jury Unit, a division of the AG's office, headed at the time by a Pruitt appointee, which decides whether to take cases to a grand jury for indictment.

It's not the same as a grand jury finding. Nonetheless, the attorney general's office, now overseen by Mike Hunter, Pruitt's former top deputy, has denied all open records requests for the audit, declaring it to be "under the supervision of the Multi-County Grand Jury Unit." A spokeswoman for the Oklahoma attorney general's office said that if there was in fact a grand jury, the office couldn't confirm or deny that.

These rationales befuddle open records experts.

"I don't think there's anything in the law that would prohibit it [the investigation] from being released," said Joey Senat of Oklahoma State University, the president of FOIA Oklahoma. "The law doesn't require that the audit be kept secret. What would its release be harming? They've closed the investigation and decided not to prosecute."

Jones, who is now running for governor, reiterated his call for the attorney general's office to release the audit, saying in a statement that "regarding any investigation of this kind, we always err on the side of transparency and the people of Oklahoma have a right to know."

Concluded Senat: "When you have the state auditor [Gary Jones] saying these are not unsubstantiated claims and this is a serious problem, good government would call for letting the public know what happened and showing the public the audit. Transparency helps alleviate a lot of concerns about favoritism, corruption, and incompetency—if those are indeed unfounded."

Tar Creek today looks like an abandoned landfill. Illegal dumping has added a fresh layer of grime to the already ruined patch of earth. Giant craters from collapsed mine shafts, some as large as 200 feet in diameter, are filled with Bud Light cans, shotgun shells and the tangled remains of kids' playground equipment. "We call this urban renewal, Picher style," quipped former resident Gloria Workman.

Abandoned houses that were not part of the buyout are now coated with graffiti. The charred remains of the former mining museum in Picher, which burned down at the hands of arsonists, stands as a teetering monument to Tar Creek's former way of life. And the sense of danger and destruction extends beyond the former buyout area: On rainy days, local fields used for football practice bleed a toxic shade of orange.

The EPA is continuing its now 33-year-old cleanup effort, and it's thrust the Quapaws back into stewardship of the land. Although the tribe leased away or sold off significant chunks of Tar Creek to mining companies throughout the 20th century, the Quapaws have at least temporarily regained control of all of it. Since 2012, the

tribe—a sovereign nation with roughly 5,500 members—has been the primary EPA contractor for environmental remediation at Tar Creek. It's the first time any tribe has been a prime contractor on a Superfund site, assigning all the contracts and overseeing all the work.

"It's a great story," said Craig Kreman, assistant environmental director of the Quapaw tribe. "We're employing tribal members a lot of the time and members of the community. So that income [from the EPA contract] stays here in this community and is being spent in this community. We're not hiring a contractor out of Georgia."

Every day, a steady stream of trucks haul away more than 2,000 tons of soil saturated with cadmium, lead and other metals at the site. Each patch of earth requires years of passive soil treatments before it tests clean enough to plant row crops like winter wheat. Half-acre by half-acre, the hope is that Tar Creek can be put into productive agricultural use decades from now.

In August, after touring the abandoned area and surrounding towns, Pruitt's senior adviser Albert "Kell" Kelly, praised the EPA's efforts surrounding Tar Creek in sweeping terms: "People from all across the country count on the Superfund program to address pollution and revitalize their communities. Tar Creek cleanup is an excellent example of how the program should work. State and local partners, tribal partners, and EPA—all working together year after year to address historical pollution at this megasite. It's cooperative federalism working at its best."

But many local observers, including Ed Keheley, aren't nearly as positive.

"Usually, the EPA comes in, they do their dirty work, sprinkle some wheat seed, take a picture to show Congress, and next year it looks like this," he said, pointing to a barren pasture. "Clearly, the EPA hasn't had the best interests of the people at heart. So I get personally offended when people like Scott Pruitt suggest otherwise."

For his part, Pruitt announced a fresh grant of \$5 million to the Quapaw-led project last May, and he is quick to distance this experiment in local control from the one that preceded it.

"We [the EPA] can't impact the buyout. We didn't authorize the buyout. I didn't manage the buyout and its unique situation," Pruitt said. "I think what's most tangible is what we can do together with the tribe to advance and continue remediation."

When asked to respond to the undying complaints of residents in rural Ottawa County, where Tar Creek is located—a county in which Trump received 71 percent of the vote in November 2016—Pruitt changed the subject. "I had no experience with Tar Creek, to be honest with you," he said.

That's true, except it was his office's decision, when he was attorney general, not to prosecute the people accused of mishandling the trust money, Keheley and other local

residents point out.

But what galls them more than the failure to prosecute is the failure to release the results of a government investigation—an audit that they believe will raise questions about Pruitt's unwillingness to press charges and cast a negative light on a project near and dear to Inhofe's heart.

Pruitt's connections to Inhofe are extensive. One of Pruitt's first hires as EPA chief was Ryan Jackson, a longtime Inhofe staffer and the senator's point person on Tar Creek, who is now Pruitt's chief of staff. He also brought on four other former aides to Inhofe, the Senate's leading proponent of the idea that man-made pollution contributing to climate change is a conspiracy and a hoax. Three of them are Pruitt's senior advisers on air, climate and legal issues.

"It gives me a level of comfort to know that we have a bureaucracy that's actually going to be serving instead of ruling," Inhofe told the *Washington Post*, applauding Pruitt for hiring his staff.

Numerous veteran Oklahoma political watchers, some of whom spoke to POLITICO on condition of anonymity, suggest that there may be an ulterior motive in Pruitt's embrace of Inhofe: It's widely believed that Pruitt, who is 49, wants to run for Inhofe's seat when the senator retires. Many observers think Inhofe is unlikely to seek reelection in 2020, when he'll be 85. And some have noted that Pruitt's decision not to advance the case against the buyout trust spared Inhofe the embarrassment of seeing the program he personally tailored and promoted go down in scandal.

"Pruitt is a rising Republican political star previously in Oklahoma and now nationally," said one journalist who closely follows the Oklahoma political scene. "There have been rumblings that Pruitt might have his eye on higher office. ... Pruitt would do everything to keep Inhofe close, assuming he wants to run for that seat."

Wally Kennedy, the *Joplin Globe* columnist who has covered the Tar Creek trust more closely than any other journalist, said, "My sense of the way that unfolded was that Pruitt decided he was not going to do any kind of prosecution, and then Inhofe writes a letter saying what an outstanding job the trust did. My reaction was 'Huh?'"

"The fact that the audit was not publicly disclosed tells me that somebody is hiding something," he added. "This is Oklahoma taxpayers' money being committed to ratting out what appears to be some apparent corruption. But everybody looks the other way. That's why I'm talking to you. Because if you can shed a light on this, maybe somebody will say 'We need to take a second look at this.'"

Pruitt, however, insists his decisions were strictly based on the law, and an Inhofe staffer flatly dismissed the possibility of Inhofe influencing Pruitt's decision.

"Senator Inhofe would have had no involvement in the case or in any of then-Attorney

General Pruitt's decisions," the staffer said.

Pruitt was similarly bemused by the idea that there would have been any sort of political calculation behind his decision to shield the audit. The only politics in this case, he suggested, was on the part of those who want to embarrass him and Inhofe.

"You would think that this wouldn't be a political issue, that people wouldn't put on the red and blue jerseys," Pruitt said in frustration.

Others argue that transparency in this case is not a political issue as much as a legal right.

"The open records act seems pretty clear this audit should be released," said Stevens, executive director of Campaign for Accountability. "You have to ask why he's not releasing it? Pruitt should have to be held accountable for this."

To view online [click here](#).

[Back](#)

Pruitt named chair of Gulf Coast Ecosystem Restoration Council [Back](#)

By Anthony Adragna | 12/06/2017 07:28 PM EDT

President Donald Trump announced today that EPA Administrator Scott Pruitt would chair the Gulf Coast Ecosystem Restoration Council.

The group, formed in 2012 after the Deepwater Horizon oil spill, helps restore the ecosystems and economies of the Gulf Coast. Pruitt was unanimously selected by Alabama, Florida, Louisiana, Mississippi and Texas, the five states on the council.

"I am honored to be selected by the states and look forward to working with the governors to continue the excellent work of this Council to further the critical mission of restoring the Gulf of Mexico ecosystem," he said in a statement.

Pruitt named Kenneth Wagner, a senior adviser, to be his designee on the council. He takes over the chairmanship from the Secretary of Agriculture.

WHAT'S NEXT: Pruitt begins his chairmanship of the group.

To view online [click here](#).

[Back](#)

Powelson says McIntyre to be sworn in Thursday [Back](#)

By Eric Wolff | 12/06/2017 03:33 PM EDT

New FERC Chairman Kevin McIntyre will be sworn in on Thursday, FERC Commissioner Rob Powelson told an audience of electric power officials in Philadelphia today.

"At a general session this afternoon in Philadelphia, one of the key speakers was FERC Commissioner Rob Powelson, and during his speech this afternoon he confirmed that Kevin McIntyre will be sworn in tomorrow," PJM Interconnection spokeswoman Susan Buehler said.

President Donald Trump nominated McIntyre, a partner at the law firm of Jones Day, to be commissioner and designated him to be chair months ago. The Senate confirmed him in early November, and he received his signed commission just before Thanksgiving.

His swearing in will put to rest rumors that either the Trump administration or McIntyre himself were delaying his start date to give current Chairman Neil Chatterjee enough service time to make staffing changes. Chatterjee will miss that deadline by a day.

It also puts McIntyre in charge of the process initiated by Energy Secretary Rick Perry that is aimed at supporting coal-fired and nuclear power plants in an effort to protect the power grid's resilience. Action on that proposal is expected by Monday.

To view online [click here](#).

[Back](#)

EPA to hold more hearings on Clean Power Plan withdrawal [Back](#)

By Emily Holden | 12/06/2017 03:28 PM EDT

EPA will hold three additional public hearings on a proposal to withdraw the Clean Power Plan, in San Francisco; Gillette, Wyo.; and Kansas City, Mo., the agency announced today.

EPA Administrator Scott Pruitt in a press release said the change was "due to the overwhelming response" to two days of hearings in West Virginia last week. Many environmental advocates criticized EPA for initially scheduling hearings only in coal country.

The agency will announce the dates and locations of the meetings in the coming

weeks, and speakers must [register](#).

The Obama administration, by comparison, held public hearings on the proposed climate standards in 2015 in Pittsburgh, Denver, Atlanta and Washington, D.C.

WHAT'S NEXT: Comments on the draft withdrawal are due Jan. 16.

To view online [click here](#).

[Back](#)

Republicans divided over taking up tax extenders this year [Back](#)

By Brian Faler | 12/06/2017 05:40 PM EDT

Republican leaders are divided over whether to take up a second tax-cut bill this year.

Senate Republicans want to move legislation reviving a rump group of tax "extenders," separate from their more sweeping plan to rewrite the code.

But the House's top tax writer isn't so sure.

"I don't like the extenders," said House Ways and Means Chairman [Kevin Brady](#) (R-Texas). "It's horrible policy and process."

"No decision yet," he added, saying lawmakers need to talk it over.

His comments came after Sen. [John Thune](#), the chamber's No. 3 Republican, said today lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs," including a tax credit to maintain short-line railroads.

Thirty-four temporary tax provisions expired at the end of last year, including 16 energy ones, and lawmakers are now facing demands to revive them. Some want to attach the provisions to funding legislation needed to keep the government open [H.J. Res. 123 \(115\)](#).

Many Republicans had sworn off the "extender" ritual after a 2015 tax agreement made many of the breaks permanent while giving others what lawmakers said was one final extension — which, for some, ended last year.

Putting together an extender bill, even as lawmakers negotiate a final compromise on their tax-overhaul plans, is likely to test tax writers' bandwidth.

To view online [click here](#).

[Back](#)

Solar pitches target Trump at USTR hearing [Back](#)

By Eric Wolff | 12/06/2017 03:46 PM EDT

Supporters of tough trade tariffs on solar energy equipment and their opponents squared off again at a hearing of the U.S. Trade Representative today, with both sides coloring their arguments in language aimed at swaying the White House.

The two companies seeking tariffs on foreign shipments of solar panels and cells, Suniva and SolarWorld Americas, pressed the case that barriers were vital for protecting U.S. manufacturing of the clean energy technology because of its importance for national security — issues at the heart of President Donald Trump's "America First" agenda.

"A strong remedy is required to persevere the U.S. industry, provide breathing space for this American-invented manufacturing technology," said Matt Card, vice president of operations for bankrupt Suniva. "Anything less would ... result in the loss of this industry. That would have a dramatic negative impact on national security."

Witnesses at the hearing opposed to instituting tariffs raised the same issues, but contended that trade barriers would threaten other businesses, and that the benefits of tariffs would help only a narrow segment of the solar industry.

"Factories in South Carolina and across the nation would suffer from solar tariffs," South Carolina Gov. Henry McMaster told the panel. "While there is only one operating factory in the U.S. petitioning for these tariffs, there are over 50 American-owned factories employing thousands of people that would be the ones harmed, including a steel mill in South Carolina that provides American-made steel for many of the U.S. factories that produce metal equipment for the utility scale solar farms."

The panel, which included representatives from the departments of Energy, Treasury, State, Labor and Commerce, and from the Council of Economic Advisers, appeared unmoved by the national security arguments, and instead peppered parties with detailed questions about the potential tariffs' impacts on U.S. solar power demand. Panel members also questioned whether a few years of trade protections would be enough time for Suniva and SolarWorld to hike their production enough to catch up to overseas competition.

They pressed witnesses from both side on how tariffs would effect the domestic solar market, whether a modest tariff would be effective, and their opinions on the recommendations the U.S. International Trade Commission sent the White House last month. ITC members recommended a range of options, from sliding scale of tariffs to a cap on total shipments.

The Trade Representative will send the White House a recommendation, and Trump has until Jan. 26 to make a decision.

To view online [click here](#).

[Back](#)

Was this Pro content helpful? Tell us what you think in one click.				
Yes, very	Somewhat	Neutral	Not really	Not at all

You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to <https://www.politicopro.com/settings>

This email was sent to rmolan@nma.org by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

To: Sarah Greenwalt (greenwalt.sarah@epa.gov)[greenwalt.sarah@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Bennett, Tate
Sent: Wed 7/5/2017 6:51:30 PM
Subject: Overview of intergovernmental respondents on WOTUS
[WOTUSFedCommentsByState.docx](#)

WOTUS Commenters as of C.O.B. June 20, 2017

At a glance: **19 Governors**
 20 Attorneys General
 18 Intergovernmental Associations
 49 cabinet-level state agencies

ALABAMA

Attorney General Steve Marshall
Alabama Department of Agriculture

ALASKA

Governor Bill Walker
Attorney General Jahna Lindemuth

ARIZONA

Governor Doug Ducey
Eastern Arizona Counties Organization
Gila County Board of Supervisors (Humphrey)
Gila County Board of Supervisors (Martin)

ARKANSAS

Governor Asa Hutchinson
Attorney General Leslie Rutledge
Arkansas Department of Agriculture
Craighead County (judge)
Marion County (judge)
Polk County (judge)
Saline County (judge)

CALIFORNIA

Association of California Water Agencies
California Association of Sanitation Agencies
California Department of Transportation
California Storm Water Quality Association
City of Azusa (city mgr)
City of Corona (city mgr)
City of Lake Forest (env. Mgr)
City of San Juan Capistrano (city mgr)

City of Santa Ana (engineer)
Del Norte County Board of Supervisors
Elsinore Valley Municipal Water District
La Mesa (Helix) Water District
Los Angeles County Department of Public Works
Orange County Public Works
Riverside County Flood Control District
Rural County Representatives of California
San Diego County Water Authority
San Gabriel Valley Council of Governments
Sanitation Districts of Los Angeles County
Santa Fe Irrigation District
Santa Margarita Water District
Tuolumne County Board of Supervisors

COLORADO

Colorado Department of Agriculture
Colorado Department of Natural Resources
Colorado Department of Public Health and Environment
City of Aurora Water Administration
Huerfano County Water Conservation District
Northwest Colorado Council of Governments

CONNECTICUT

Connecticut Department of Energy and Environmental Protection

FLORIDA

Charlotte County Board of Commissioners
Florida Department of Agriculture and Consumer Services
Florida Department of Environmental Protection

GEORGIA

Attorney General Christopher Carr
Georgia Department of Natural Resources

HAWAII

Governor David Ige

IDAHO

Governor Butch Otter

Idaho Department of Agriculture
Idaho Department of Water Resources

INDIANA

Attorney General Curtis Hill, Jr.
Association of Indiana Counties
County Supervisors Association of Indiana
Blackford County Surveyors
Hamilton County Surveyors
Hancock County Surveyors

IOWA

Governor Kim Reynolds
Lt. Governor Adam Gregg
Buchanan County

KANSAS

Governor Sam Brownback
Attorney General Derek Schmidt

KENTUCKY

Attorney General Andy Beshear

LOUISIANA

Attorney General Jeff Landry

MAINE

Governor Paul LePage

MASSACHUSETTS

Massachusetts Department of Environmental Protection

MICHIGAN

Attorney General Bill Schuette
Michigan Department of Agriculture and Rural Development, jointly with
Michigan Department of Environmental Quality

MINNESOTA

Minnesota Department of Natural Resources

Minnesota Pollution Control Agency

MISSISSIPPI

Governor Phil Bryant

Forrest County (supervisor)

MISSOURI

Governor Eric Greitens

Attorney General Josh Hawley

Missouri Department of Natural Resources

NEBRASKA

Governor Pete Ricketts

Nebraska Department of Agriculture

Nebraska Department of Environmental Quality

Nebraska Department of Natural Resources

NEVADA

Governor Brian Sandoval

Attorney General Adam Paul Laxalt

Nevada Division of Environmental Protection

Clark County Regional Flood Control District

Humboldt River Basin Authority

NEW HAMPSHIRE

Governor Chris Sununu

NEW MEXICO

New Mexico Department of Agriculture

NEW YORK

New York State Department of Environmental Conservation

NORTH DAKOTA

Governor Doug Burgum

Attorney General Wayne Stenehjem

OHIO

Attorney General Mike DeWine
Ohio Environmental Protection Agency
Ohio Department of Natural Resources, Oil and Gas Resources Mgt

OKLAHOMA

Attorney General Mike Hunter

OREGON

Oregon Department of Environmental Quality
Oregon Department of Fish and Wildlife
Oregon Department of Forestry
Oregon Department of State Lands
Jackson County Road Department
Yamhill County Commission

PENNSYLVANIA

Pennsylvania Department of Agriculture
Pennsylvania Department of Conservation and Natural Resources
Pennsylvania Department of Environmental Protection
Pennsylvania Department of Transportation (nat res. staff)

SOUTH CAROLINA

Governor Henry McMaster
Attorney General Alan Wilson
Dorchester County Administrator

SOUTH DAKOTA

Attorney General Marty Jackley
South Dakota Department of Environment and Natural Resources
Pennington County Board of Commissioners

TENNESSEE

Tennessee Department of Agriculture
Tennessee Department of Environment and Conservation

TEXAS

Attorney General Ken Paxton
Railroad Commission of Texas (three commissioners)
Texas Commission on Environmental Quality
Texas Department of Agriculture

Texas Department of Transportation
Texas General Land Office

UTAH

Attorney General Sean Reyes
Duchesne County Commission

VIRGINIA

Commonwealth of Virginia Department of Agriculture and Consumer Services
Spotsylvania County (engineer)

WASHINGTON

Washington Department of Ecology

WEST VIRGINIA

Attorney General Patrick Morrissey
West Virginia Department of Environmental Protection

WISCONSIN

Attorney General Brad Schimel
Wisconsin Department of Natural Resources

WYOMING

Wyoming Association of Conservation Districts
Wyoming County Commissioners Association
Wyoming Department of Environmental Quality

INTERGOVERNMENTAL ASSOCIATIONS

***Joint Letter from the National Association of Counties, National League of Cities, U.S. Conference of Mayors**

Association of Clean Water Administrators

Association of State Floodplain Managers

Association of State Wetland Managers

Environmental Council of the States

National Association of Conservation Districts

National Association of Clean Water Agencies

National Association of State Departments of Agriculture

National Association of Flood and Stormwater Management Agencies

National Conference of State Legislatures

National Governors' Association – Gov. Edmund Brown (CA) and Gov. Matt Mead (WY)

National Municipal Storm Water Alliance

National Water Resources Association

New England Interstate Water Pollution Control Commission

Western Governors' Association – Gov. Steve Bullock (MT) and Gov. Dennis Daugaard (SD)

Western States Water Council

****Joint Letter signed by Attorneys General from 20 states**

To: Daniell, Kelsi[daniell.kelsi@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Bennett, Tate
Sent: Fri 6/29/2018 1:07:23 PM
Subject: Re: Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars

Nice!

On Jun 29, 2018, at 8:47 AM, Daniell, Kelsi <daniell.kelsi@epa.gov> wrote:

Got Kelsey to include our meeting!

Sent from my iPhone

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: June 29, 2018 at 2:44:20 AM PDT
To: <daniell.kelsi@epa.gov>
Subject: Morning Energy, presented by ExxonMobil: What comes next for FERC? — Perry's New York state of mind — Pruitt meets California official on cars
Reply-To: "POLITICO subscriptions" <reply-fe9013757364017d7d-630326_HTML-848943095-1376319-0@politicoemail.com>

By Kelsey Tamborrino | 06/29/2018 05:41 AM EDT

With help from Anthony Adragna

PLOT TWIST: FERC Commissioner Rob Powelson shocked the energy world Thursday night when he announced he will leave the agency to lead a trade association for water utilities. Powelson, a Republican appointed by President Donald Trump, was one of the agency's fiercest critics of the administration's efforts to bail out struggling coal and nuclear power plants, but he told Pro's Darius Dixon that policy disagreements had nothing to do with his decision. He said he simply couldn't pass up the once-in-a-lifetime opportunity to take a great job as CEO of the National Association of Water Companies that would allow him to nix the commute to Washington from his home near Philadelphia.

There is no "subplot to this," Powelson said, adding it was a decision he made with his family. "I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever.

And as a Philly boy, I will let it fly," he said. "No one came at me and said, 'You need to move on. You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

His departure will leave FERC deadlocked, and likely unable to approve new interstate natural gas pipelines over Democratic objections related to issues like climate change. Powelson was a critic against the administration's coal and nuclear bailout pitch, telling a Senate committee earlier this month that a bailout "goes against everything we talk about in terms of supply-and-demand side economics."

Now Trump has a chance to nominate a new commissioner who is friendlier to his pro-coal policies. Still, that person will require Senate confirmation with a tough calendar ahead. Keep in mind, the Senate is racing toward midterm elections, August recess and now a new Supreme Court confirmation — making a speedy confirmation for a FERC nominee all the more unlikely. Read more.

NEW YORK STATE OF MIND: Energy Secretary Rick Perry offered some harsh words Thursday for the state of New York energy, suggesting the federal government should consider preventing the state from blocking new natural gas pipelines. "I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" Perry said, referring to the administration's central national security argument behind efforts to bail out economically struggling coal and nuclear power plants.

Perry has criticized New York Gov. Andrew Cuomo for years, but didn't mention him by name in his remarks at the World Gas Conference. Perry said political opposition to new gas infrastructure had left the state vulnerable, including to major winter storms and cyberattacks. "And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said. Read more from Pro's Matt Daily.

FINALLY FRIDAY! I'm your host, Kelsey Tamborrino. PECO's Tom Bonner correctly identified the three current governors born in Pennsylvania: John Kasich, John Hickenlooper and Tom Wolf. A geography question to close out the week: What state has a triple divide that allows water to flow to the Pacific Ocean, Atlantic Ocean or the Hudson Bay? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

PRUITT MEETS CALIFORNIA OFFICIAL ON CARS: EPA Administrator Scott Pruitt will meet with California's top air regulator this morning in San Francisco, the agency said. Pruitt and Mary Nichols, the head of the California Air Resources Board, will discuss various issues including "cooperative federalism, car and truck greenhouse gas standards, and NAAQS," according to EPA. The Trump administration is weighing action on car emissions standards that could spark a court showdown with California,

as it currently has authority to set its own greenhouse gas limits on tailpipe emissions. The last time EPA met with CARB officials, the agency called it a "productive" meeting, although Nichols [took to Twitter](#) shortly after to dispute that characterization.

**** Presented by ExxonMobil:** Natural gas has become more important than ever. That's because it's fueling an American manufacturing revival and creating jobs while lowering emissions. And ExxonMobil is one of the world's largest providers.
[EnergyFactor.com](#) **

ZINKE TAKES HIS TURN: Kicking off the final day of the weeklong World Gas Conference, Interior Secretary Ryan Zinke will deliver opening remarks at a panel on innovation in the energy industry that's set to answer questions like, "How can innovative technologies, business models and operating practices shape the future of the global natural gas industry?"

Later in the day, EPA's air chief, Bill Wehrum, will join a workshop on the "role of voluntary action in methane management" — an interesting discussion as greens have pointed fingers at the agency after a [report](#) released last week found oil and gas methane emissions are greater than previously thought. Former Energy Secretary Ernest Moniz will close out the conference with remarks about "energy systems of the future."

FOR YOUR RADAR: Zinke met with a "good mix" of electricity, oil and gas leaders Thursday afternoon for a roundtable discussion, an industry source who attended the meeting told ME. About 40 or more people attended the meeting with Zinke, the source added, which ranged from discussions on streamlining the permitting process to federal lands. The meeting follows a [similar one](#) in May between Zinke and several conservation groups.

INTERESTING TEAM: Reps. [Kyrsten Sinema](#), a Democrat running for Senate in Arizona, and [Steve Stivers](#), the chairman of the National Republican Congressional Committee, released [legislation](#) Thursday that would require political appointees to personally pay back any illegal expenditures of public funds. No one is singled out, but Pruitt's [\\$43,000 privacy booth](#) would certainly fit the bill. To qualify for repayment under the bill, the spending must be found illegal through a joint determination from an inspector general and the Government Accountability Office. Reps. [Brian Fitzpatrick](#), [Josh Gottheimer](#), [Carlos Curbelo](#) and [David Young](#) co-sponsored the legislation.

TIMING UPDATE: A House Oversight Committee aide tells ME that staff expect to speak with Kevin Chmielewski, the former Trump EPA political staffer-turned-whistleblower, "within the next couple of weeks." They'll [interview](#) current chief of staff Ryan Jackson today, according to the aide. Pro's Anthony Adragna [reported](#) committee staff also interviewed policy adviser Samantha Dravis on Thursday.

INDIAN AFFAIRS NOM CONFIRMED: The Senate confirmed Tara Sweeney to be assistant secretary for Indian Affairs at Interior on Thursday by a voice vote.

Sweeney, who previously served as executive vice president of external affairs for Arctic Slope Regional Corporation, was nominated back in October, and was advocated for by Senate Energy Chairman [Lisa Murkowski](#). Sweeney was welcomed in a tweet by [Zinke](#), who said he was "excited" for her arrival. "She is the first Alaska Native woman to hold the position," he tweeted. "A historic day for Alaska and America!"

IG RELEASES SUMMARY ON NPS ALLEGATION: Interior's inspector general released a brief summary of its investigation into allegations made against National Park Service Deputy Director P. Daniel Smith. An anonymous employee earlier this year said Smith made an obscene gesture and used vulgar language while standing in the hallway of the agency's headquarters, which prompted OIG to launch an investigation in May. The summary stopped short of condemning Smith, and cites a retelling by Smith and another NPS employee, who denied that Smith touched himself obscenely or used any vulgar language. The OIG said it could not find anyone else who witnessed the incident.

Smith, however, "acknowledged he gestured with his hands to simulate urinating while telling a story and stated that in hindsight, the story and the gesture were not appropriate for work," according to [the summary](#). "The other employee said he was not offended by the story or the gesture but also acknowledged that they were inappropriate for the workplace."

THIS LAND IS OUR LAND: Montana Sen. [Jon Tester](#) is out with a new statewide ad promoting his stance on public lands, Campaign Pro's Zach Montellaro [reports](#). The ad features a video of Tester speaking about his roots. "My family has made a living off the land in Montana for over 100 years," Tester says, adding, "As long as I'm in the U.S. Senate, Montana is not for sale." Watch [the ad](#).

GAO: DOE SHOULD IMPROVE SPR OVERSIGHT: The Government Accountability Office released [a report](#) Thursday that offers several ways for DOE to modernize the Strategic Petroleum Reserve. The report found DOE had not identified the optimal size of the reserve, and said the last review conducted by the department "was limited in several ways." GAO made several recommendations, including a suggestion that Congress "may wish to consider setting a long-range target for the size and configuration of the SPR," taking into account issues like future oil production projections and U.S. International Energy Agency obligations.

"By not examining a full range of options, DOE risks missing beneficial ways to modernize the SPR while saving taxpayer resources," according to the GAO report, which was requested by the House Energy and Commerce Committee. "We will give GAO's recommendations careful consideration as the committee considers legislative options to address the concerns raised by this report," a joint statement from the E&C energy subcommittee's leadership [said](#).

REPORT: MORE CAN BE DONE TO FIGHT BLACK LUNG: Although cases of

black lung disease has declined in miners in most areas, excluding Appalachia, a new report from the National Academies of Sciences, Engineering, and Medicine says a "fundamental shift" is required in the way operators approach exposure control in order to eliminate the disease. The report found operators are complying with regulatory requirements, but the basis of such requirements could improve by recommending improvements to current monitoring technologies, as well as building out the research currently being done, among other guidance. Read the [report](#).

AGs JOIN EPA SCIENCE PANEL SUIT: Attorneys general from nine states filed an amicus brief this week in support of the plaintiffs suing over EPA's policy barring scientists who receive agency grants from serving on its scientific advisory committees. "The advisory committee Directive has already caused dozens of uniquely qualified scientists to be removed from their posts on EPA advisory boards and committees, while leaving in place (and even increasing) persons affiliated with regulated industries," the brief states. AGs from Washington, California, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York and Oregon, and the Pennsylvania Department of Environmental Protection joined [the filing](#).

MAIL CALL! RECONSIDER THIS: A bipartisan and bicameral group of lawmakers is calling on Perry to reconsider DOE's move to have power marketing administrations report directly to the assistant secretary for electricity instead of the deputy secretary, as has been tradition. "We are concerned that these changes could lead to decisions that are not in the best interest of Pacific Northwest ratepayers," [they write](#).

A TIMELINE EMERGES: The White House is hoping to select a Supreme Court nominee before Trump leaves for his European trip on July 10, POLITICO's Nancy Cook [reports](#). Whomever Trump nominates will likely get a confirmation vote after Labor Day, Senate Majority Whip [John Cornyn](#) said Thursday, [telling](#) POLITICO's Elana Schor he'd be "shocked" if the vote occurred before then. Cornyn, however, added he is "not opposed" to moving more quickly but said the process to confirm a nominee (i.e., background checks) would take quite a bit of time.

SENATE PASSES FARM BILL: The Senate Thursday passed a farm bill, [H.R. 2 \(115\)](#), which includes a provision reauthorizing the National Flood Insurance Program. But with the NFIP expiring on July 31, senators are looking at other vehicles to attach a short-term extension, Pro's Zachary Warmbrodt [reports](#).

MINN. PUC APPROVES LINE 3: The Minnesota Public Utilities Commission approved Enbridge's proposed Line 3 tar sands pipeline on Thursday in a unanimous 5-0 vote, MPR News reports. The decision came with several conditions, the website writes, "including a decommissioning trust fund to ensure the new pipeline will be retired responsibly decades from now." Green groups have urged the PUC to reject the pipeline, especially following a 2010 Enbridge pipeline spill in Kalamazoo, Mich. Read [more](#).

VISUALIZE IT: JUST Capital, a nonprofit business tracking group, will release today its new "Environmental Explorer" interactive tool, which allows users to explore companies based on their environmental impact, including recycling, waste management and electricity use. See it [here](#).

QUICK HITS

- Sources: India preparing for cut in oil imports from Iran, [Reuters](#).
- "Pope to huddle with environmental leaders, activists," [Axios](#).
- "Gas Natural Fenosa becomes Naturgy," [LNG World News](#).
- "One casualty of Trump's tough Iran stance? U.S. pump prices," [Bloomberg](#).
- "U.S. sues Mount Vernon, alleging Clean Water Act violations," [Associated Press](#).

HAPPENING TODAY

10 a.m. — Wilson Center [forum](#) on "National Guard Interests in the Arctic: Arctic and Extreme Cold Weather Capability," 1300 Pennsylvania Ave NW.

10 a.m. — The National Academy of Sciences [meeting](#) of the Committee on Offshore Science and Assessment, 2101 Constitution Avenue NW.

12 p.m. — The Federalist Society [teleforum](#) on "EPA's CAFE: What's on the Menu for Fuel Economy and Greenhouse Gas Standards?"

THAT'S ALL FOR ME!

**** Presented by ExxonMobil:** Energy is fundamental to modern life and drives economic prosperity - in small communities across America and around the world. We need a range of solutions to meet growing energy demand while reducing emissions to address the risk of climate change. Visit the Energy Factor to learn more about some of the bold ideas and next-generation technologies we're working on to meet this challenge: [EnergyFactor.com](#) **

To view online:

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/what-comes-next-for-ferc-267420>

Stories from POLITICO Pro

GOP FERC commissioner slams latest bailout pitch [Back](#)

By Darius Dixon | 06/12/2018 03:17 PM EDT

Republican Commissioner Rob Powelson positioned himself Tuesday as FERC's leading critic of the Trump administration's call to rescue financially struggling coal and nuclear plants, panning the latest approach floated by the White House.

Letting the Energy Department prop up money-losing power plants in the name of national security is not necessary to maintain a resilient electric grid, Powelson said at a Senate Energy and Natural Resources Committee hearing with all five FERC commissioners. A former chairman of the Pennsylvania Public Utility Commission, Powelson said electric service was not disrupted by power company bankruptcies during his time as a state regulator.

"These markets are operating hyper-efficiently," he said. "Now, we're seeing the best of all worlds: New resources, cleaner resources, more efficient resources coming in the marketplace. The markets are creating orderly entry and exit, and to put someone's risk capital at play I have grave concerns about that."

The idea of a government bailout "goes against everything we talk about in terms of supply-and-demand side economics," Powelson added.

DOE is pondering the use of the Federal Power Act and the Defense Production Act to force coal and nuclear power plants to keep operating in the face of overwhelming competition from cheap natural gas and growing renewable power that has pushed big power units into retirement. A memo that circulated at the National Security Council earlier this month cited possible attacks on natural gas pipelines among the justifications for DOE's latest national security approach.

Speaking to reporters after the hearing, Powelson acknowledged that national security "should be part of the conversation," but he seemed skeptical of the administration's shifting justifications for a bailout.

"All of a sudden we have a national conversation that went from potential reliability issues, now to national security issues," he said, referring to DOE's ill-fated effort last year to push for payments to power plants with 90 days of fuel on-site, an earlier tactic aimed at supporting coal and nuclear power. "I struggle with the original posture of saying the FERC's not doing enough. I categorically disagree."

Chairman Kevin McIntyre acknowledged that Energy Secretary Rick Perry has the authority to declare a grid emergency that could require retiring power plants to keep operating, but he did not offer any opinion on the merits of such an approach.

Democratic FERC Commissioner Richard Glick, who once worked for former Energy Secretary Bill Richardson, said the agency has not built up a solid record for declaring a national emergency.

At the end of the Clinton administration, the Western energy crisis was still unfolding

and Richardson invoked the emergency powers in the Federal Power Act and made use of the Defense Production Act to force the sale of natural gas supplies into the region because a defense facility was impacted, he said.

"We created a record. We have a record that it truly was an emergency," Glick said. "In this case, I think what we're trying to get a solution before we actually build a record suggesting that there's actually an emergency."

FERC Commissioner Neil Chatterjee, a former aide to Senate Majority Leader [Mitch McConnell](#), tried not to dismiss DOE's proposal out of hand.

"It's a leaked memo. We don't know what the administration intends to do with it. But I think people are also too quickly dismissing it," Chatterjee said. "I've read the memo. There are a number of points in the memo that are thoroughly well-cited and researched and I think we can disagree what the remedy might be but I think they raise a real issue."

On Monday, Chatterjee and Glick penned an editorial that called for setting up a regiment of mandatory standards for natural gas pipeline, the infrastructure that DOE argues poses a risk to national security.

Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) told regulators that she's been frustrated with FERC's pace of addressing market concerns and argued that that may have egged DOE on to jump into the power markets.

"I have my concerns with the steps that the Department of Energy is reported to be considering. But I also recognize that they're trying to fill a perceived vacuum," the Alaska Republican said at Tuesday's hearing.

"In my view, FERC should be pointing the way on policy improvement that address grid vulnerabilities while reaffirming our commitment to competition in wholesale power markets," she said. "And frankly, as one who has been concerned about this issue for years now, I find it unfortunate that prior commissions did not lead more effectively."

To view online [click here](#).

[Back](#)

Powelson: No 'subplot' to surprise FERC exit [Back](#)

By Darius Dixon | 06/28/2018 08:20 PM EDT

FERC Commissioner Rob Powelson says his surprise decision to resign after just one year at the commission had nothing to do with his frequent objections to one of the

Trump administration's main energy policy goals.

The Republican former state regulator has been one of the most vocal critics of the Energy Department's efforts to rescue economically struggling coal and nuclear power plants, but he said that position was not a factor in his decision to leave the commission. In mid-August, Powelson will take over as CEO of the National Association of Water Companies. He simply jumped at a once-in-a-lifetime opportunity to take a great job that would allow him to avoid commuting to Washington from his home near Philadelphia.

There is no "subplot to this," he told POLITICO on Thursday, saying it was a decision he made with his family.

"I'm at peace. I know people want to be like, 'Argh, he got forced out! He pissed off the president or Rick Perry.' I'm free to speak my mind now more than ever. And as a Philly boy, I will let it fly," he said in a phone interview after announcing his plan to resign.

"No one came at me and said, 'You need to move on,'" he added. "You know if that would ever happen, I would never do it anyway. ... If I was done wrong, I'd tell you about it. But life is better than I deserve it to be."

Powelson's departure could also leave FERC's four remaining commissioners unable to approve new interstate natural gas pipelines over Democratic objections related to climate change or the agency's overall process for assessing the need for those projects. A former chairman of the Pennsylvania Public Utility Commission, Powelson also was one of the strongest advocates for state regulators, especially in PJM — the regional grid that would be most affected by the Trump administration's coal-boosting efforts.

Leaving in August means that Powelson will have served on the commission for just one year of a term that was scheduled to run through mid-2020, making his the shortest tenure in agency history since the 1960s, when FERC was still the Federal Power Commission. It also gives President Donald Trump an opportunity to replace Powelson with a regulator who is friendlier to his pro-coal policies.

Powelson said he didn't expect to be at FERC for such a short time, but felt he couldn't pass up the job offer, especially after the National Association of Water Companies told him it was planning to move its headquarters from Washington to Philadelphia. He has two sons, a rising seventh-grader and a rising 10th-grader, and said that his job change was in part a decision between career moves and an opportunity to be closer to family.

"I had every intention to stay longer. But honestly, I served eight and a half years on the Pennsylvania commission. I love this place. The people are great [at FERC]," he said. "But for me to say no — that opportunity is not coming around again, and I knew that. There was just too much alignment for me not to take it."

The outgoing commissioner also said that he didn't pine for the FERC chairmanship, noting that few people run a state commission as well as FERC like Texas' Pat Wood did.

"I looked at Chairman [Kevin] McIntyre's desk the other day and I don't miss the piles of paper on my desk. I'm perfectly at peace. I was honored to be a commissioner. It's a stressful job to be a chairman and you're running the agency," he said.

"I've done the chairmanship duty [in Pennsylvania] and I'm perfectly at peace with that," he said. With emphasis and a chuckle, Powelson added: "Perfectly at peace, trust me."

He said he told all the commission leadership colleagues about his plans face to face, and sent an all-hands email to FERC staff Thursday.

Powelson warned that he's excited to talk about "water resiliency" and the "water grid" in a post-Flint, Mich., world that is also looking at the energy-water nexus. The association represents water and wastewater utilities such as American Water and Aqua America, among other companies.

"Now I get to be a pain in the ass on water policy," he said.

To view online [click here](#).

[Back](#)

Rick Perry takes aim at New York [Back](#)

By James Hohmann | 06/19/2013 05:01 AM EDT

Rick Perry stars in an ad out Wednesday that coincides with his swing across the Northeast to lure jobs to Texas.

The one-minute, campaign-style video — shared first with POLITICO — attacks New York, where the governor is spending the day, as a high-tax, high-regulation state. ([Watch the ad.](#))

New York Mayor Michael Bloomberg's ban on large sodas is referenced, and New York Gov. Andrew Cuomo is mentioned by name in the first 30 seconds, which plays out like an attack ad.

The second half turns triumphal, with feel-good music and B-roll of Texas skylines.

"Why have more jobs and businesses moved to Texas than any other state? Our state is

No. 1 for business because we have no state income tax," Perry says, "and [Texas] has added more jobs than any state in the nation over the last five years."

The Republican governor, who many believe could run for president again in 2016, notes that Texas was just ranked No. 1 as a place to do business for the ninth straight year by Chief Executive Magazine.

"If you're tired of the same old recipe — of over-taxation, over-regulation and frivolous litigation — get out before you go broke," Perry says, with the state capitol in Austin as a backdrop. "Texas is calling. Your opportunity awaits."

As Perry speaks, messages on screen declare: "Bigger opportunities. Bigger Dreams. A Bigger Future. Go Big With Texas."

Perry is in Connecticut and New York for five days. He has courted, among others, gun manufacturers facing stricter laws in the wake of the Newtown shootings.

This is the latest salvo in an aggressive campaign to attract businesses and raise the state's profile that has already sent Perry to Illinois and California.

The video appears on the Web site of "Texas Wide Open for Business," which is part of the Economic Development Division within the governor's office.

TexasOne, a privately funded entity, launched a \$1 million radio and TV campaign in Connecticut and New York last week. They are also paying for the governor's trip.

To view online [click here](#).

[Back](#)

Perry warns of looming New York energy 'reckoning' [Back](#)

By Matt Daily | 06/28/2018 04:57 PM EDT

Energy Secretary Rick Perry today suggested that the federal government should consider preventing New York state from blocking new natural gas pipelines, echoing the national security argument he has put behind his efforts to bail out struggling coal and nuclear power plants.

Perry, who has criticized New York Gov. Andrew Cuomo for years, didn't mention the Democratic governor by name, but said political opposition to new gas infrastructure had left the state vulnerable to potential devastating power outages.

"I think we need to have a conversation as a country, is that a national security issue that outweighs political concerns in Albany, New York?" he said.

New York has blocked the expansion of the Constitution Pipeline by denying the project the water permits it needs to extend the pipeline that would carry gas from Pennsylvania.

Perry laid out a scenario to an audience at the World Gas Conference where a major winter storm and cyberattack on the power grid hit the state at the same time.

"And people literally have to start making the decision about 'Do I keep my family warm? Do I keep the lights on?' Does the financial center of New York go dark? Do the hospitals shut down?" he said.

"At that particular point in time, the political leadership of that state that is keeping pipelines from being built — for strictly political purposes — are going to have real reckoning. I wouldn't want to be the governor of that state faced with that situation," he said.

To view online [click here](#).

[Back](#)

Watchdog reports provide new ammo for Pruitt's critics [Back](#)

By Alex Guillén and Anthony Adragna | 04/16/2018 12:28 PM EDT

Critics of Scott Pruitt got fresh ammunition against the embattled EPA administrator on Monday, with two federal reports revealing that EPA had broken the law in building him a secure phone booth and that the agency had granted previously undisclosed pay raises of more than 20 percent to his political appointees.

EPA failed to notify lawmakers that it spent more than \$43,000 to build a secure phone booth for Pruitt's office, according to a report from the Government Accountability Office on Monday morning. A few hours later, EPA's inspector general detailed the steep pay hikes — but did offer some support for Pruitt's claim that he had been unaware of controversial raises at the agency, though the internal watchdog stressed its investigation is ongoing.

Pruitt has drawn criticism that he has spent excessively on heightened security since he joined the agency last year. While Monday's GAO report focuses on the phone booth, Pruitt has also expanded his security staff to provide round-the-clock protection and spent heavily on first-class travel for himself and his security personnel to limit his exposure to potential threats from fellow passengers. He also faces questions over his use of special hiring authority to hire former lobbyists and political allies, but the IG's initial findings do not include evidence that he personally circumvented the White House in order to boost their pay, despite earlier reports.

Construction of the phone booth violated the Financial Services and General Government Appropriations Act since it cost well above the \$5,000 limit that requires the agency to notify Congress, according to the GAO.

"We conclude that EPA violated section 710 when it obligated \$43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate," the GAO report said.

EPA defended the booth as necessary to Pruitt's work, arguing that it was similar to a computer or other equipment he uses. But GAO said the booth is clearly a "furnishment" under the law and thus should have been reported to Congress in advance. EPA did not say whether the phone booth had been certified as a Sensitive Compartmented Information Facility, or SCIF.

"This is just one more example of how Scott Pruitt is blatantly breaking laws and ethics rules that protect taxpayers from government waste, fraud and abuse in order to help himself to perks and special favors — and taking deliberate steps to hide everything from Congress and taxpayers," Sen. Tom Udall (D-N.M.) said in a statement to POLITICO.

Critics wondered why Pruitt needed a place to make secure phone calls in his office since the agency already had two SCIFs in its headquarters. Those SCIFs are located outside of Pruitt's secure suite of offices, however.

The GAO report specifically steered clear of judging whether installing the booth was the best or only way to provide Pruitt with a secure phone line.

An EPA spokeswoman defended Pruitt's need for the booth but acknowledged that Congress had not been informed ahead of time.

"EPA is addressing GAO's concern, with regard to Congressional notification about this expense, and will be sending Congress the necessary information this week," spokeswoman Liz Bowman said in a statement.

Sen. John Barrasso (R-Wyo.), who chairs the Environment and Public Works Committee, said he wants to hear more from EPA about why it did not properly inform Congress.

"It is critical that EPA and all federal agencies comply with notification requirements to Congress before spending tax payer dollars. EPA must give a full public accounting of this expenditure and explain why the agency thinks it was complying with the law," he said.

GAO is also reviewing Pruitt's appearance in a cattle industry video that asked for

public comments on Pruitt's plan to repeal the Waters of the U.S. rule. Democrats similarly alleged his actions violated the Antideficiency Act.

Separately, EPA's inspector general released a [preliminary report](#) on its investigation into several political appointees who were hired or promoted under special authority given to Pruitt through the Safe Drinking Water Act.

The report shows a handful of political appointees at EPA saw their salaries boosted by 20 percent or more in their first year at the agency — in some cases over objections from the White House. But Pruitt did not personally sign off on the most controversial raises, leaving open the question of how involved he was in the decision. The IG said the interim report was meant to "provide certain factual information" and "does not present any conclusions or recommendations."

None of the EPA staffers were named in the report, but the salary and other information provided aligns with names included in previously released employment documents reviewed by POLITICO.

The IG's report shows Sarah Greenwalt, senior counsel to Pruitt, received a \$56,765 raise on April 1, while Millan Hupp, director of scheduling and advance, received a \$28,130 raise the same day. Those figures are in line with [The Atlantic's](#) report that EPA circumvented the White House to boost their pay.

Chief of staff Ryan Jackson signed forms authorizing both of those pay increases, each time writing "Ryan Jackson for Scott Pruitt," according to documents included with the IG report. Jackson had said last week that he approved the raises.

EPA said those raises have been reversed, but the IG was unable to back up that claim. "We requested from the agency any documentation indicating modifications to the salary of any of the employees subsequent to the personnel actions noted above. As of report issuance, the agency was unable to provide us with complete information or confirmation of any modifications," according to the report.

The IG's office also uncovered several previously unreported raises, some of which were granted using the drinking water authority and others achieved by changing the employees' job classifications.

In mid-February, Forrest McMurray, an advance staffer from Oklahoma and, like Hupp, a relatively recent college graduate, saw his salary increase 25 percent through the same SDWA process that was later applied to Greenwalt and Hupp. ([Bloomberg News](#) had initially reported on Monday that the third raise granted via that process was to Samantha Dravis, the association administrator running the Office of Policy. But the third salary increase corresponds with McMurray's employment information, and Bloomberg removed Dravis' name from an updated version of its article.)

A fourth aide, speechwriter Lincoln Ferguson, received 25 percent pay increase last

September after receiving a renewed position with the SDWA authority. Ferguson worked for Pruitt when he was Oklahoma attorney general.

Pruitt signed off on the raise for Ferguson, but not McMurray, according to the IG report.

Two other political appointees — Liz Bowman, the associate administrator for the Office of Public Affairs, and Kevin Chmielewski, the advance staffer who last week made allegations about mismanagement and wrongdoing at EPA to both Democrats and Republicans — appear to have received raises of more than 20 percent last summer when their employment classification was increased. Chmielewski departed the agency in mid-February.

Brittany Bolen, the senior deputy associate administrator in the Office of Policy, had received a 1.6 percent raise last summer when she underwent the same increase in classification.

The IG report was part of a larger investigation into EPA's use of a special hiring authority under the SDWA, which allows Pruitt to hire up to 30 staffers without having to go through normal hiring procedures or subjecting the staffers to the Trump administration's ethics pledge.

The SDWA authority was intended to allow EPA to bring on board engineers or scientists with subject matter expertise. Democratic critics alleged that Pruitt used it to get key political appointees in place quickly or to bypass ethics issues, and asked for the IG to review the matter. But EPA has dismissed those criticisms.

"Salary determinations for appointees are made by EPA's chief of staff, White House liaison, and career human resources officials. Salaries are based on work history; and, any increases are due to either new and additional responsibilities or promotions," EPA spokesman Jahan Wilcox said.

Records released last summer by EPA show that a dozen EPA political staffers were working in "administratively determined" positions as of mid-July 2017, while another 22 had been converted to permanent political appointees or left the agency.

Among those still working under the special hiring authority at that time were Nancy Beck, the deputy for EPA's chemicals office; Byron Brown, Pruitt's deputy chief of staff; air adviser Mandy Gunasekara; and a number of public affairs officials, including Michael Abboud, James Hewitt, Ferguson and Wilcox. Their status may have changed since.

The IG's audit of EPA's use of the hiring authority will continue, with a final report expected at a later date.

Emily Holden contributed to this report.

To view online [click here](#).

[Back](#)

Oversight will interview two more Pruitt aides this week [Back](#)

By Anthony Adragna | 06/28/2018 02:47 PM EDT

House Oversight Committee staff are interviewing former EPA policy adviser Samantha Dravis today as they continue their probe into allegations of lavish spending and unethical behavior by Administrator Scott Pruitt, a committee aide confirmed.

In addition, staff plan to interview Pruitt's chief of staff Ryan Jackson on Friday, the aide said.

Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman [Trey Gowdy](#) (R-S.C.) had also [requested](#) an interview with former deputy chief of staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by [E&E News](#).

To view online [click here](#).

[Back](#)

Oversight will interview two more Pruitt aides this week [Back](#)

By Anthony Adragna | 06/28/2018 02:47 PM EDT

House Oversight Committee staff are interviewing former EPA policy adviser Samantha Dravis today as they continue their probe into allegations of lavish spending and unethical behavior by Administrator Scott Pruitt, a committee aide confirmed.

In addition, staff plan to interview Pruitt's chief of staff Ryan Jackson on Friday, the aide said.

Dravis and Jackson's interviews come after the committee already spoke with multiple other members of Pruitt's inner circle: former security chief Pasquale "Nino" Perrotta, scheduler Millan Hupp and senior EPA counsel Sarah Greenwalt.

Chairman [Trey Gowdy](#) (R-S.C.) had also [requested](#) an interview with former deputy chief of staff turned whistleblower Kevin Chmielewski by June 22, but it's not immediately clear when that interview will occur.

The latest interviews were first reported by [E&E News](#).

To view online [click here](#).

[Back](#)

Tester launches new TV ad on public lands [Back](#)

By Zach Montellaro | 06/28/2018 02:43 PM EDT

Sen. [Jon Tester](#) (D-Mont.) launched a new statewide ad called "Not for Sale," touting his stance on public lands and featuring video of Tester speaking with hunters and fishermen.

The [positive ad](#) opens with the senator talking about his family's roots in the state — "My family has made a living off the land in Montana for over 100 years," Tester says — and features a Montanan praising him, saying "he understands the importance of public lands to Montanans and his values are our values."

"As long as I'm in the U.S. Senate, Montana is not for sale," Tester says at the end of the ad.

Tester is facing Republican state Auditor Matt Rosendale in November.

To view online [click here](#).

[Back](#)

White House wants Trump to nominate a justice before Putin trip [Back](#)

By Nancy Cook | 06/28/2018 05:07 PM EDT

The White House hopes to have a Supreme Court nominee chosen by the time President Donald Trump leaves for his European trip on July 10, according to one Republican close to the White House and one person involved with the judicial selection process.

The White House is expected to start interviewing candidates early next week, with the White House's top attorney, Don McGahn, leading that process. The goal is to hold

confirmation hearings in August or September, so that any confirmed justice can join the court in early October, before the next term.

Top contenders include Raymond Kethledge, Thomas Hardiman, Amy Coney Barrett, Brett Kavanaugh, and Amul Thapar — though the person involved with the process stressed that other potential nominees from Trump's list of judges could also get a "hard look."

Trump and a cadre of yet-to-be-determined senior administration officials are expected to interview a handful of finalists, similar to how the White House handled the selection of Trump's first Supreme Court pick, Neil Gorsuch.

"The administration has already been through this once, so that really helps a lot. There is already a system in place," said the person involved with the process.

Several outside groups including the Koch-backed Americans for Prosperity and Judicial Crisis Network are expected to help to push the Republican nomination, especially once Trump announces his nominee.

The Judicial Crisis Network spent more than \$10 million to support the Gorsuch confirmation, and JCN chief counsel Carrie Severino predicted the group's spending would exceed that figure this time around. With Democrats aiming to persuade moderate Republicans to block a nominee, she added, "this nomination will be more contentious."

But after months of the president dividing his party over thorny issues like immigration and trade, the Kennedy retirement offers a unique opportunity to motivate Trump's base and, potentially, to mobilize voters frustrated with Trump to turn out the GOP in the midterm elections anyway.

"Republicans have been looking for an issue to ensure their base turns out in November, and I think we've found it with the Supreme Court pick," said Andy Surabian, a Republican strategist and former special assistant to the president and White House deputy strategist in the Trump administration. "I know the pick will happen before the elections, but messaging-wise, I don't think you can have a better one than: 'Do you want the party of Maxine Waters deciding the fate of the Supreme Court?'"

The president seemed ecstatic about the open seat during a Wednesday evening rally in North Dakota. There, he pledged to select a judge who could serve for 40 to 45 years before doing his best to give supporters a sense of urgency about the need for continued Republican control Congress.

"Justice Kennedy's retirement makes the issue of Senate control the vital issue of our time," Trump said. "It's one of most important things we can do."

This opening gives the White House a chance to energize its base for an election many had expected to favor the Democrats. And it calms some tension inside the administration about what messages Republicans should emphasize in the midterms — the tax bill, economy, work on opioid addiction and drug prices, or hard-line immigration policies.

"It's the policy issue of Supreme Court nominations, not tax cuts, that truly unites the Republican Party, as evident by President Trump's debate answer on this topic that fueled his home-stretch spring in 2016," said Jason Miller, a former top aide to Trump during the campaign and transition.

In recent weeks, Republicans have been split apart by the questions of potential tariffs or hard-line immigration moves. While tariffs and a border wall fire up Trump's base of white, working-class voters, those issues have not resonated as well within the business, donor, or establishment Republican community.

Republican leadership on the Hill had hoped that in 2018 Trump's midterm message would focus primarily on the healthy state of the economy and the Republican tax bill of 2017, yet the president himself has had trouble sticking to that message at several recent rallies.

Yet a Supreme Court nomination — which ultimately could affect health care, abortion rights, affirmative action, freedom of religion and speech, guns rights, and corporate regulations - brings together the disparate coalitions of the Republican Party.

Already the anti-abortion group, SBA List, has volunteers on the ground in Ohio, Florida and Indiana going door-to-door to try to woo female voters, Hispanics, and Democrats to support anti-abortion legislation. They just hired field staff to allow them to expand the operation into North Dakota and West Virginia, home states of two vulnerable Senate Democrats, Heidi Heitkamp and Joe Manchin, respectively.

"The Senate is where Supreme Court picks are confirmed. That is one of our driving reasons for engaging at this level," said Mallory Quigley, a spokesperson for SBA List.

On Thursday night, Trump met with a group of bipartisan senators, including Democrats Heitkamp, Manchin and Joe Donnelly and moderate Republicans Susan Collins and Lisa Murkowski, to discuss the Supreme Court vacancy.

Just as they hope to unite conservatives, Republicans are hoping the issue divides Democrats. Already the White House is eyeing the 10 Democratic senators up for reelection this fall in states that Trump overwhelmingly won in 2016 — and hoping to pressure them into supporting the nominee.

The greatest hope of Trump advisers is that a Supreme Court pick will dominate the news so much that it will not allow Democrats to talk about their vision for health care or the economy or taxes — or to present any positive, forward-looking message.

"There will be no Democratic messaging on jobs, the economy or health care that cuts through, as many will be focused on hypothetical culture wars that make suburban swing voters uneasy," Miller said.

Eliana Johnson contributed to this report.

To view online [click here](#).

[Back](#)

Cornyn: Supreme Court confirmation vote likely after Labor Day [Back](#)

By Elana Schor | 06/28/2018 12:51 PM EDT

The second-ranked Senate GOP leader on Thursday suggested the Supreme Court confirmation vote to replace Anthony Kennedy would take place sometime in September, saying he "would be shocked" if the vote happened before Labor Day.

Majority Whip John Cornyn (R-Texas) added that he is "not opposed" to moving President Donald Trump's nominee more quickly, but he noted that background checks on Trump's still-unnamed pick are likely to take time.

Republicans have already [made clear](#) that they don't plan to heed Democratic calls for a delay in the Supreme Court confirmation until after November's election to give midterm voters a chance to weigh in.

Supreme Court nominees since the Ford administration spent an average of 67 days between their nomination and final confirmation, according to a 2015 report from the Congressional Research Service — a window that Cornyn told reporters he "would endorse" as a goal. Of course, that figure doesn't include President Barack Obama's Supreme Court nominee, Merrick Garland, whom Republicans blocked and denied a confirmation hearing in 2016.

Republican senators anticipate dedicating much of August to passing appropriations bills, meaning that a final Supreme Court vote would wait until September. The high court's next term is set to begin on the first Monday of October.

Senate Judiciary Chairman Chuck Grassley (R-Iowa), however, declined to commit to any timetable.

"Everything is going to be judged by when the president makes an appointment and what [Majority Leader Mitch] McConnell wants to schedule," Grassley said. At this point, it's all speculation. And there's no point in speculating."

Cornyn also cautioned Trump against selecting any nominee with a publicly stated position on overturning court precedents such as *Roe v. Wade*.

"I think that would be a terrible mistake, for the president to nominate somebody who had that sort of agenda," Cornyn told reporters, adding that "we don't need judges who have either personal or political or ideological agendas, in my view. And I think that ought to comfort all of us."

It's common for presidents of both parties to avoid picking a nominee with a lengthy paper trail for opponents to seize on, though Trump has previously said he would want to appoint anti-abortion judges to the high court.

One member of Trump's Supreme Court shortlist, Sen. Mike Lee (R-Utah), has championed anti-abortion legislation, although he suggested Thursday that *Roe* might be safer after Kennedy's retirement than some on the left have argued.

Burgess Everett contributed to this report.

To view online [click here](#).

[Back](#)

Senate passes farm bill with flood insurance extension [Back](#)

By Zachary Warmbrodt | 06/28/2018 06:09 PM EDT

The Senate today passed a farm bill, H.R. 2 (115), that includes a provision reauthorizing the National Flood Insurance Program before it expires in the middle of hurricane season — a victory for coastal lawmakers.

But with time running out before the program's July 31 expiration date, and the enactment of the farm bill not a sure bet by then, senators are already looking at other vehicles to attach a short-term extension.

John Kennedy (R-La.) said he's looking at an upcoming FAA bill. Kennedy and Bill Cassidy (R-La.) pushed for the six-month reauthorization in the farm bill this week, and they've also introduced the extension as stand-alone legislation.

"We're not going to let this program expire," Kennedy said. "If lightning strikes and we get a [long-term] reform bill by the 31st, that would be great. But it's not likely to happen."

To view online [click here](#).

[Back](#)

Was this Pro content helpful? Tell us what you think in one click.				
Yes, very	Somewhat	Neutral	Not really	Not at all

You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to <https://subscriber.politicopro.com/settings>

This email was sent to daniell.kelsi@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

To: Chancellor, Erin[chancellor.erin@epa.gov]
Cc: Kunding, Kelly[kunding.kelly@epa.gov]
From: Bennett, Tate
Sent: Mon 6/25/2018 4:43:37 PM
Subject: Re: John Meyer

Please call. I'm just now realizing it's important to have either him there in person or Erin potentially dial in. In person is best. Sorry for the fire drill.

On Jun 25, 2018, at 11:34 AM, Chancellor, Erin <chancellor.erin@epa.gov> wrote:

If y'all need anything, holler!

Erin E. Chancellor

On Jun 25, 2018, at 12:25 PM, Kunding, Kelly <kunding.kelly@epa.gov> wrote:

He is getting into town early to run through the route. He said he can be there at 2:30, therefore, I assume he can come 30 minutes sooner if we ask.
Please let me know if you'd like me to give him a call.

Sent from my iPhone

On Jun 25, 2018, at 11:24 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Do you know when he get's into town? He might need to come to the DEQ meeting to discuss tar creek at 2 PM...if he can make it. Thoughts?

Sent from my iPad

Cc: Chancellor, Erin[chancellor.erin@epa.gov]
To: Kunding, Kelly[kunding.kelly@epa.gov]
From: Bennett, Tate
Sent: Mon 6/25/2018 4:24:12 PM
Subject: John Meyer

Do you know when he get's into town? He might need to come to the DEQ meeting to discuss tar creek at 2 PM...if he can make it. Thoughts?

Sent from my iPad

To: Beach, Christopher[beach.christopher@epa.gov]
From: Bennett, Tate
Sent: Sun 6/24/2018 2:54:54 PM
Subject: Re: Touching base regarding Monday

It's the same thing

On Jun 24, 2018, at 9:06 AM, Beach, Christopher <beach.christopher@epa.gov> wrote:

So are there two events – one CCR and then this one?

From: Bennett, Tate
Sent: Friday, June 22, 2018 6:17 PM
To: Beach, Christopher <beach.christopher@epa.gov>
Subject: Fwd: Touching base regarding Monday

2 pm on Monday!

Begin forwarded message:

From: Michelle Wynn <Michelle.Wynn@deq.ok.gov>
Date: June 22, 2018 at 5:44:09 PM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Kundinger, Kelly" <kundinger.kelly@epa.gov>
Subject: RE: Touching base regarding Monday

Thank you again for allowing us to host the Administrator and your team. Please let me know if you have any questions. -MW

2 pm meeting attendees –

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division Director

Lloyd Kirk, External Affairs Division Director

Shellie Chard, Water Quality Division Director

Chris Armstrong, State Environmental Laboratory Division Director

Rob Singletary, General Counsel

Michelle Wynn, Legislative Liaison

*Tentative; Erin Hatfield, Director of Communications

Proposed Topics:

- PFOS/PFOA
- Superfund (in general, plus Eagle Industries, Tar Creek, Wilcox sites)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

Michelle Wynn

Legislative Liaison

Oklahoma Department of Environmental Quality

707 N Robinson, PO Box 1677

Oklahoma City, OK 73101

405.702.7163 office phone

Ex. 6 - Personal Privacy mobile phone

michelle.wynn@deq.ok.gov

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, June 22, 2018 1:21 PM
To: Michelle Wynn
Cc: Kunding, Kelly
Subject: Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <Michelle.Wynn@deq.ok.gov> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn

DEQ - Legislative Liaison

405-702-7163 Office

Ex. 6 - Personal Privacy Mobile

Begin forwarded message:

From: Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Date: June 22, 2018 at 11:33:17 AM CDT
To: Michelle Wynn <Michelle.Wynn@deq.ok.gov>
Subject: Fwd: Touching base regarding Monday

Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

Ex. 6 - Personal Privacy Cell

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: June 22, 2018 at 11:32:12 AM CDT
To: Fenton Rood <Fenton.Rood@deq.ok.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

From: Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)

- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Samuel DeMarco III[sdemarco3@icloud.com]
From: Bennett, Tate
Sent: Wed 11/1/2017 9:03:00 PM
Subject: RE: PG Reader: Mismanagement, conflicted leadership blamed for governance problems at PWSA

Thank you!

-----Original Message-----

From: Samuel DeMarco III [mailto:sdemarco3@icloud.com]
Sent: Wednesday, November 1, 2017 3:16 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: PG Reader: Mismanagement, conflicted leadership blamed for governance problems at PWSA

FYI - Today's paper

Mismanagement, conflicted leadership blamed for governance problems at PWSA

By: By Adam Smeltz / Pittsburgh Post-Gazette

Description: Problems — ranging from lead contamination to inaccurate bills — prompted state Auditor General Eugene DePasquale to investigate.

(Sent from PG Reader)

Link to this article:

<http://www.post-gazette.com/local/city/2017/11/01/PWSA-audit-mismanagement-conflicted-leadership-DePasquale/stories/201711010131>

Sent from my iPad

To: Beach, Christopher[beach.christopher@epa.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 10:16:52 PM
Subject: Fwd: Touching base regarding Monday

2 pm on Monday!

Begin forwarded message:

From: Michelle Wynn <Michelle.Wynn@deq.ok.gov>
Date: June 22, 2018 at 5:44:09 PM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Kundinger, Kelly" <kundinger.kelly@epa.gov>
Subject: RE: Touching base regarding Monday

Thank you again for allowing us to host the Administrator and your team. Please let me know if you have any questions. -MW

2 pm meeting attendees –

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division Director

Lloyd Kirk, External Affairs Division Director

Shellie Chard, Water Quality Division Director

Chris Armstrong, State Environmental Laboratory Division Director

Rob Singletary, General Counsel

Michelle Wynn, Legislative Liaison

*Tentative; Erin Hatfield, Director of Communications

Proposed Topics:

- PFOS/PFOA

- Superfund (in general, plus Eagle Industries, Tar Creek, Wilcox sites)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

Michelle Wynn

Legislative Liaison

Oklahoma Department of Environmental Quality

707 N Robinson, PO Box 1677

Oklahoma City, OK 73101

405.702.7163 office phone

Ex. 6 - Personal Privacy mobile phone

michelle.wynn@deq.ok.gov

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Friday, June 22, 2018 1:21 PM

To: Michelle Wynn

Cc: Kunderinger, Kelly

Subject: Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <Michelle.Wynn@deq.ok.gov> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn

DEQ - Legislative Liaison

405-702-7163 Office

Ex. 6 - Personal Privacy Mobile

Begin forwarded message:

From: Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Date: June 22, 2018 at 11:33:17 AM CDT
To: Michelle Wynn <Michelle.Wynn@deq.ok.gov>
Subject: Fwd: Touching base regarding Monday

Skylar McElhaney

Department of Environmental Quality

(405) 702-7167 Office

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: June 22, 2018 at 11:32:12 AM CDT
To: Fenton Rood <Fenton.Rood@deq.ok.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

From: Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kundinger, Kelly <kundinger.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Chancellor, Erin[chancellor.erin@epa.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 8:05:03 PM
Subject: RE: Touching base regarding Monday

Thank you! Sending to Lincoln

From: Chancellor, Erin
Sent: Friday, June 22, 2018 4:04 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Touching base regarding Monday

Tar Creek talkers attached. I know it's 2 pages BUT the first section (highlights) is the main part for him. John Meyers know all about the site, too. If you need anything else, please let me know.

Thanks,

Erin E. Chancellor

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

chancellor.erin@epa.gov

From: Bennett, Tate
Sent: Friday, June 22, 2018 11:24 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Subject: FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

From: Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]

Sent: Friday, June 22, 2018 11:22 AM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>

Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)

- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Michelle Wynn[Michelle.Wynn@deq.ok.gov]
Cc: Kundinger, Kelly[kundinger.kelly@epa.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 6:21:22 PM
Subject: Re: Touching base regarding Monday

Copying Kelly who will have those answers but perhaps Scott can ride in the Admin's car?

On Jun 22, 2018, at 12:39 PM, Michelle Wynn <Michelle.Wynn@deq.ok.gov> wrote:

Tate -

Sorry to change direction on you, but I will be doing the coordination on our end now. Fenton was involved when we were going to tour the alternative site, so now it's just going thru extra steps. This way you and I can have direct contact and go from there.

The meeting at our office for 2 PM is all locked in. As for the windshield tour, are you all arranging that part? I know, our director, Scott Thompson would like to join you on that part if possible. We can do the rest according to availability of room, we can also provide vehicles as needed.

Looking forward to having administrative Pruitt visit with us here in Oklahoma. Please let me know what else I can do to be of help.

Michelle Wynn
DEQ - Legislative Liaison
405-702-7163 Office
Ex. 6 - Personal Privacy

Begin forwarded message:

From: Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Date: June 22, 2018 at 11:33:17 AM CDT
To: Michelle Wynn <Michelle.Wynn@deq.ok.gov>
Subject: Fwd: Touching base regarding Monday

Skylar McElhaney
Department of Environmental Quality
(405) 702-7167 Office
Ex. 6 - Personal Privacy

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: June 22, 2018 at 11:32:12 AM CDT
To: Fenton Rood <Fenton.Rood@deq.ok.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

Oklahoma City

- [Eagle Industries](#) – Just east of Oklahoma City
- [Fourth Street Abandoned Refinery](#) – east/central Oklahoma City
- [Mosley Road Sanitary Landfill](#) – NE Oklahoma City
- [Tinker Air Force Base](#) – SE Oklahoma City

From: Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kundinger, Kelly <kundinger.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunder with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental
Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Fenton Rood[Fenton.Rood@deq.ok.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Kunding, Kelly[kunding.kelly@epa.gov]; Skylar McElhaney[Skylar.McElhaney@deq.ok.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 4:32:13 PM
Subject: RE: Touching base regarding Monday

This agenda is great. Let's lock it in for 2 PM. Also, I wanted to let you know the Admin will be doing a quick tour of Eagle Industries as well as a windshield tour of the following after our meeting. Let me know if you have any interest in participating in this part as well. No pressure either way.

Oklahoma City

- Eagle Industries – Just east of Oklahoma City
- Fourth Street Abandoned Refinery – east/central Oklahoma City
- Mosley Road Sanitary Landfill – NE Oklahoma City
- Tinker Air Force Base – SE Oklahoma City

From: Fenton Rood [mailto:Fenton.Rood@deq.ok.gov]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Thursday, June 21, 2018 4:13 PM

To: Fenton Rood

Cc: Jackson, Ryan; Kunding, Kelly

Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday.

Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunder with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Chancellor, Erin[chancellor.erin@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]
Cc: Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 4:26:28 PM
Subject: RE: Touching base regarding Monday

Thank you kindly.

From: Chancellor, Erin
Sent: Friday, June 22, 2018 12:13 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Touching base regarding Monday

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

Erin E. Chancellor

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

chancellor.erin@epa.gov

From: Beck, Nancy
Sent: Friday, June 22, 2018 11:58 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

Ex. 6 - Personal Privacy

beck.nancy@epa.gov

From: Chancellor, Erin

Sent: Friday, June 22, 2018 11:29 AM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Subject: RE: Touching base regarding Monday

Will do on Tar Creek!

Erin E. Chancellor

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

chancellor.erin@epa.gov

From: Bennett, Tate

Sent: Friday, June 22, 2018 11:24 AM

To: Chancellor, Erin <chancellor.erin@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Subject: FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

From: Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>;
Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA

- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)

- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects
- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

To: Chancellor, Erin[chancellor.erin@epa.gov]
Cc: Beck, Nancy[Beck.Nancy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Bennett, Tate
Sent: Fri 6/22/2018 4:17:36 PM
Subject: Re: Touching base regarding Monday

Thank you!

On Jun 22, 2018, at 12:13 PM, Chancellor, Erin <chancellor.erin@epa.gov> wrote:

If needed, here are the points from senior staff merged with the key messaging for the community engagement events.

Erin E. Chancellor

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

chancellor.erin@epa.gov

From: Beck, Nancy
Sent: Friday, June 22, 2018 11:58 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Touching base regarding Monday

There are general PFOS talkers somewhere, OW had the lead.

Looping in Lincoln who should have them.

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

Ex. 6 - Personal Privacy

beck.nancy@epa.gov

From: Chancellor, Erin

Sent: Friday, June 22, 2018 11:29 AM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Subject: RE: Touching base regarding Monday

Will do on Tar Creek!

Erin E. Chancellor

Counsel to the Administrator

U.S. Environmental Protection Agency

(202) 566-1757 (office)

Ex. 6 - Personal Privacy

chancellor.erin@epa.gov

From: Bennett, Tate

Sent: Friday, June 22, 2018 11:24 AM

To: Chancellor, Erin <chancellor.erin@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Subject: FW: Touching base regarding Monday

Don't kill me! Do you have any talkers on tar creek? Nancy, do you have anything on PFOS in general? This is for Monday. Last min trip!

From: Fenton Rood [<mailto:Fenton.Rood@deq.ok.gov>]
Sent: Friday, June 22, 2018 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Skylar McElhaney <Skylar.McElhaney@deq.ok.gov>
Subject: RE: Touching base regarding Monday

Proposed attendees:

Scott Thompson, Executive Director

Kelly Dixon, Land Protection Division

Lloyd Kirk, External Affairs

Shellie Chard, Water Quality

Michelle Wynn, Legislative Liaison

Erin Hatfield, Public Information Officer

Chris Armstrong, State Environmental Laboratory

Proposed Topics:

- PFOS/PFOA
- Superfund (in general and Eagle Industries, Tar Creek, Wilcox)
- RCRA (Macy's SEP was a positive)
- Water loss audits (our program that helps water systems save water and money)
- FACT team, including tribes, USDA, DWSRF and state funding projects

- Importance of building drought resiliency into drinking water systems in response to drought, shifting population, expanding water demanding industries

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, June 21, 2018 4:13 PM
To: Fenton Rood
Cc: Jackson, Ryan; Kunding, Kelly
Subject: Touching base regarding Monday

Fenton-

This is to confirm Pruitt's meeting with the director and division directors at 2 PM next Monday. Thanks again for your help. My cell is Ex. 6 - Personal Privacy if you need anything. I have also copied Kelly Kunding with our advance team who will reach out about a security walk through in advance. Also, do you mind sending me an attendee list when you have one?

OK DEQ

707 North Robinson

OKC 73101

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

<PFAS Update.docx>

To: Morris, Madeline[morris.madeline@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Boats, Brian[boats.brian@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Caldwell, James[Caldwell.James@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Falvo, Nicholas[falvo.nicholas@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Jennifer L.[Jackson.Jennifer@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Konkus, John[konkus.john@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Mickle, John[Mickle.John@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Rodrick, Christian[rodrick.christian@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Smith, Chris-L[Smith.Chris-L@epa.gov]; Su, Wendy[su.wendy@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]; Woodward, Cheryl[Woodward.Cheryl@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]

From: Jackson, Ryan

Sent: Mon 7/10/2017 11:50:50 AM

Subject: RE:

[image2017-07-09-200530.pdf](#)

I also wanted to ensure the weeklies prepared by each of the program offices and regions are being circulated on Fridays.

From: Morris, Madeline

Sent: Friday, July 7, 2017 5:28 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Boats, Brian <boats.brian@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Caldwell, James <Caldwell.James@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Hupp, Sydney <hupp.sydney@epa.gov>; Jackson, Jennifer L. <Jackson.Jennifer@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert

<kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Mickle, John <Mickle.John@epa.gov>; Morris, Madeline <morris.madeline@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Smith, Chris-L <Smith.Chris-L@epa.gov>; Su, Wendy <su.wendy@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>; Woodward, Cheryl <Woodward.Cheryl@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>

Subject:

Hope everyone has a good weekend.

See you bright and early on Monday Morning for the CoS Meeting

Madeline Morris Executive Scheduler | Office of the Administrator | direct: 202-564-

0844 | Ex. 6 - Personal Privacy

Region 1 Weekly Report

July 7, 2017

Hot Issues

Region 1/RI DEM leadership meeting

- The leadership teams from Region 1 and RI DEM will meet in Rhode Island on July 11 to continue our coordination on major issues affecting the state.

Penobscot Indian Nation consultation re: Maine water quality standards

- The Penobscot Indian Nation has requested a consultation meeting with the acting RA and DRA regarding the status of EPA's federally promulgated WQS for waters in Indian lands in Maine. The meeting will take place on July 12, and other Maine tribes will be invited to participate by phone.
- The Tribe has requested a later consultation meeting with EPA Headquarters.
- The WQS at issue are currently in effect. However, EPA has received two petitions (from the Governor of Maine and a coalition of industrial dischargers) to reconsider and withdraw the standards.
- In the litigation brought by Maine regarding EPA's disapproval of Maine's WQS, the court granted EPA's request for a 90 day stay in order to review the petitions and consider whether to reconsider the federal standards. By August 10th, EPA must indicate to the court its intentions on how to proceed with the litigation in light of the petitions. OGC, OW, and Region 1 have been discussing options.

Upcoming Public Events

EPA celebrates construction completion at Industri-Plex Superfund site with a ribbon cutting of the Aberjona Nature Trail

- On July 13th, EPA will participate in a ribbon cutting ceremony for the Aberjona Nature Trail, marking the completion of all construction at the Industri-Plex Superfund Site.
- The site, located in Woburn, MA is 12 miles north of Boston and has a 100-year industrial history including the manufacture of glues and gelatins from animal hides.
- Cleanup has been ongoing since 1993 and included construction of over 100 acres of specially designed caps/cover systems to facilitate redevelopment over highly contaminated soils and sediments, as well as the construction of an impermeable cap with a gas collection and treatment system over five acres of animal hide piles.
- Most recently, the final construction phase consisted of an innovative passive groundwater collection and treatment system, a floodplain enhancement project and conversion into the Aberjona Nature Trail, reconstruction of 2.4 acres of wetlands, and the installation of a fish ladder at Center Falls Dam.
- While overseeing the cleanup at this site, EPA also facilitated significant redevelopment including:
 - The Anderson Regional Transportation Center, servicing an average of over 1,200 Boston-bound commuter train riders daily and almost 20,000 Amtrak riders annually.
 - Raytheon Headquarters, Woburn's largest employer, employing about 1,100 people at its 438,000-square-foot facility on site, contributing \$174 million in annual employment income to the community.
 - Forty-five other new businesses (including Target, Bob's Furniture Store, Petco, Chipotle Restaurant, and Red Roof Inn), supporting more than 820 jobs and contributing more than \$36 million in annual employment income and more than \$120 million in annual sales.

- Currently, EPA is also working with developers for the reuse of three additional properties involving two residential/mixed use projects and one new commercial project.

Region 1 to host webinar for Massachusetts companies on business disaster preparation

- This July 18 webinar, held in coordination with the MA Office of Technical Assistance, is aimed at businesses using hazardous chemicals in flood-prone areas. An earlier webinar on this topic, held last month, drew over 60 participants, including municipal, state, and federal entities as well as businesses, consultants, and nonprofits.

Upcoming Major Decisions

None this week.

Last Week Highlights

None this week.

Region 2 Weekly Report

July 7, 2017

Upcoming Hot Issues and Important Deadlines

- **Clean Water Act Section 303(d) “Impaired Waters” List for State of New Jersey:** Region 2 proposes fully approving the New Jersey Section 303(d) list, as submitted. New Jersey removed a total of 126 waterbody/pollutant combinations based on standards attainment, total maximum daily load development or errors in the original listing and added 311 new waterbody/pollutant combinations to the 2014 303(d) list. New Jersey does not object to our listing action and we are not aware of any stakeholder/affected party potential backlash.
- **Coalition of Environmental Organizations File Complaint Against EPA re: New York Water Quality Criteria :** On June 29, 2017, a coalition of environmental organizations filed a complaint in the U.S. District Court for the Southern District of New York alleging that EPA failed to carry out certain non-discretionary duties under the Clean Water Act (CWA) with respect to revised water quality standards (WQS) that the New York State Department of Environmental Conservation (NYSDEC) submitted to EPA for review. On May 9, 2016, EPA approved NYSDEC’s revised designated use (primary contact recreation) for “Class I” and “Class SD” waters. EPA did not “take action” on NYSDEC’s revised Water Quality Criteria (WQC) to support this use change for two reasons: (i) NYSDEC’s revisions were to total and fecal coliform, which EPA considers to be outdated (pre-1986) fecal indicator bacteria and not scientifically defensible, and (ii) NYSDEC had committed to adopt EPA’s 2012 recommended WQC for all primary contact recreation waters state-wide (including Class I and Class SD waters) in its upcoming triennial review. The plaintiffs allege that EPA failed to carry out its non-discretionary duty to propose and promulgate WQC for Class I and SD waters in New York. The plaintiffs seek, among other things, an injunction requiring the Agency to promulgate WQC for these waters within a reasonable time, and/or an injunction requiring the Agency to notify the state that the revised WQC are not consistent with the CWA and to specify the necessary changes.
- **Puerto Rico State Revolving Fund (SRF) Debt Restructuring:** On June 30th, the PR Aqueduct and Sewer Authority (PRASA), PR Environmental Quality Board and PR Department of Health signed a new forbearance agreement extending to December 31, 2017 for repayment of PRASA’s outstanding debt to the PR Clean Water and Drinking Water State Revolving Funds (SRFs). This will allow additional time to reach an agreement on long-term restructuring of PRASA’s debt to the SRFs. The Office of Water and Region 2 support this extension and are continuing to work with all three agencies towards agreement on long-term SRF debt restructuring.
- **Puerto Rico Electric Power Authority (PREPA) Files Petition under Title III of PROMESA:** On July 2, 2017, the PREPA filed a petition under Title III of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA). Title III of PROMESA contains provisions that are similar to Chapters 9 and 11 of the U.S. Bankruptcy Code, including a provision for a plan of adjustment to be proposed by the debtor, voted on by the creditors, and confirmed by the court. The petition was filed after the Financial Oversight and Management Board for Puerto Rico disapproved a debt restructuring agreement that had been reached between PREPA and its major creditors. PREPA’s involvement in the Title III proceeding will add a complication to EPA and DOJ’s negotiations with PREPA of a settlement to resolve its noncompliance with the Clean Air Act Mercury and Air Toxics Standards.
- **Puerto Rico Enacts Law on Disposal and Storage of Coal Ash.** On July 4, 2017, the Governor of Puerto Rico signed into law Senate Bill 81, which prohibits the deposit and disposal of coal ash or coal combustion residuals (CCRs) on all roads, lands, including landfills, and water bodies within the territory of the Government of Puerto Rico. The law also prohibits the storage of CCRs

for a period greater than 180 days from the date of its generation, except that this limitation will not apply to: (1) the controlled storage of CCRs in tanks and silos for the manufacture of cement and concrete, and (2) any other beneficial commercial use as established by the relevant Commonwealth and federal regulatory agencies. In such cases, the storage period shall not exceed one year. The law requires the Puerto Rico Environmental Quality Board (EQB) to issue regulations within 90 days that establish the particular circumstances and conditions applicable to CCR storage and waivers and any other requirements. If EQB does not issue the regulations by that date, then the prohibition on disposal shall take effect on October 2, 2017. AES Puerto Rico, L.P. operates a coal-fired power plant on the island, which generates thousands of tons of CCRs each month.

Past Week Accomplishments

- **Agreement Reached to Resolve Stormwater Runoff Violations in Puerto Rico:** On Monday, July 3, Region 2 issued a news release announcing an agreement with Marina Puerto Del Rey (Marina PDR) Operations, LLC, resolving violations related to its discharges of stormwater runoff from the Marina PDR into the Caribbean Sea. The company has come into compliance, and has agreed to pay a civil penalty of \$77,500.

Region 3 Weekly Report

July 7, 2017

Hot Issues

Update on Holistic Approach to State and Federal Concerns re: Pittsburgh Drinking Water

Acting RA Rodrigues held a call with PADEP Secretary McDonnell on Wednesday, June 26, 2017 regarding the Agency's concerns involving Pittsburgh's drinking water and wastewater problems. The Pittsburgh Water and Sewer Authority (PWSA) has been in the news the past six months as water lines continue to break, a portion of their treatment system remains shut-down, the replacement of lead lines is problematic, and continued concerns associated with both combined and sanitary sewer overflows. Acting RA Rodrigues suggested both agencies meet at a higher level to determine how each agency can provide financial or technical assistance to the city in a more holistic fashion that would be more efficient and economically feasible than the approach currently being taken by the city due to lack of funding and resources. A kick-off conference call is scheduled for Monday, July 17, 2017 to lay out this collaborative approach on PWSA. PADEP requested support from EPA Region 3 and Office of Ground Water and Drinking Water to conduct a comprehensive performance evaluation (CPE) of PWSA's main filtration plant. A CPE assesses both the technical and managerial performance of a public water system. PADEP believes that the CPE will provide them with additional assessment capabilities above and beyond the tools and expertise at their disposal. PADEP would take the lead (with EPA collaboration) on follow-up with PWSA to ensure it addresses deficiencies. OGWDW expressed their desire to support conducting a CPE.

City of Philadelphia Requests Meeting with Region 3 Regarding Environmental Risk Associated with Lead Exposure

Acting RA Rodrigues received a letter of invitation from Mr. Thomas Farley, the Philadelphia Health Commissioner, on July 5, 2017, inviting both EPA and PADEP to join Mayor Kenney and other Commissioners of Philadelphia to discuss the risk of lead exposure and provide a path forward on preventing and responding to environmental risks. The Region is happy to sit down with the Mayor and PADEP to discuss next steps.

Upcoming Public Events

None to report this upcoming week.

Past Events

Region 3 Attends the Philadelphia Mayor's Healthy Rental Housing Roundtable

On June 29, 2017, regional staff attended the Philadelphia Mayor's Office of Community Empowerment and Opportunity's June 2017 Roundtable: Healthy Rental Housing: Current Risks and Opportunities for New Partnerships. The Roundtable discussion brought together city and private health officials, federal representatives, and numerous stakeholders from the housing sector and various organizations representing at-risk Philadelphia populations. The Roundtable discussion addressed the health and societal impacts caused by poor housing quality, such as: instability, insecurity and unaffordability. A primary focus of the discussion was centered around the growing issue of lead poisoning and asthma and how to address these issues.

U.S. Poultry & Egg Association Educational Video Created with Region 3

The U.S. Poultry and Egg Association requested Region III's collaboration on a video, building off of their successful environmental management video series for their poultry growers. The video provides more detailed insight to poultry growers on wise environmental management to prevent water quality issues and federal/state financial and technical assistance available to address any water quality

issues. The all-day filming on a turkey farm on June 27, 2017, in the Shenandoah Valley, Pennsylvania. It went smoothly and the video is expected to be finalized this fall. Region III and OECA collaborated with USP&E on the script.

Region 4 Weekly Report

July 7, 2017

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL

Key Message: Chemours (formerly DuPont) uses GenX technology, including a newer processing aid, that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). GenX-associated chemicals have been found in the Cape Fear River, the source for the Wilmington, NC, drinking water system.

(Update):

- An on-site inspection at the Chemours Fayetteville, NC, facility was conducted June 28 and 29, 2017, to determine compliance with TSCA; Region 4 staff were accompanied and supported by OECA's contractor, ERG for the onsite inspection. EPA is communicating with the State as the investigation progresses.
- Region 4 has been working with the Office of Research and Development in Research Triangle Park (RTP), North Carolina Department of Environmental Quality (NCDEQ), and State Health Department to conduct surface water and drinking water sampling and analysis. NC requested that Chemours provide a letter to EPA to allow us to share CBI data.
- On June 29, 2017, NC Department of Health and Human Services (NC DHHS) released a summary of selected cancer rates for four counties (Bladen, Brunswick, New Hanover, and Pender) in the Cape Fear Region. The DHHS Deputy Secretary for Health Services explained that the results do not point to any consistent trends in counties that get their water from the lower Cape Fear.
- NC DHHS is expected to provide a revised health statement for the public within the next 2 weeks. NC DHHS expects to share their current risk assessment work and request feedback from EPA this week.

Kentucky Federal Implementation Plan (FIP) for 2008 Ozone Standard "Good Neighbor Provision" Requirements

Key Message: The statutory deadline for EPA to promulgate the Kentucky FIP to address Kentucky's obligations under the "Good Neighbor Provision" in 42 U.S.C. § 7410(a)(2)(D)(i)(I) for ozone emissions originating in Kentucky that might be transported to New York and other downwind states was June 2, 2016. EPA missed the deadline; the Sierra Club filed suit and the State of New York intervened.

- On May 23, 2017, the U.S. District Court for the Northern District of California issued summary judgment for plaintiffs and ordered the EPA to promulgate the Kentucky FIP by June 30, 2018. The Court will retain jurisdiction over the case until then.
- **(Update)** On July 5, 2017, Region 4 staff had a call with the Office of General Counsel, the Office of Air Quality Planning and Standards, the Senior Advisor for Air and Radiation, and the Acting Assistant Administrator for OAR to discuss potential next steps to respond to the court order.

Florida Water Quality Standards Triennial Review

Key Message: Region 4 is ready to sign the decision document for the Florida water quality standards triennial review.

- EPA is approving several revisions including certain revisions to the Identification of Impaired Surface Waters and Permits regulations.
- Region 4 will not take action in two areas: 1) the saltwater nonylphenol criteria which is still under Endangered Species Act (ESA) consultation and 2) two delisting provisions which may not be revisions to water quality standards.
- Region 4 will act on these two areas when the ESA consultation is completed for the saltwater nonylphenol criteria and after Florida clarifies the intent and application of the delisting provisions in its next triennial review.

Upcoming Public Events

July 6, 2017 – Kerr-Mcgee Chemical Corp Superfund Site Tour in Jacksonville, FL and community and stakeholder meetings.

July 11, 2017 – Final public meeting led by the Army for the RCRA 7003 unilateral administrative order in Forest Park, GA for the Fort Gillem site.

August 22 – 24, 2017 – EPA staff will travel to Chile as a part of EPA's international assistance program and related to the agreement under the Central America Free Trade Agreement (CAFTA) to provide training on the management of hazardous wastes and technical investigations of chemical and hydrocarbon contamination. The trip will be funded through OITA's interagency agreement with the U.S. State Department.

Upcoming Major Decisions

None

Last Week Highlights

Northern Kentucky Redesignation – 2008 8-hr Ozone Standard

Key Message: EPA is working with the Commonwealth of Kentucky to redesignate to attainment the Northern Kentucky Area (Boone, Kenton, and Campbell Counties) for the 2008 8-h Ozone (O₃) National Ambient Air Quality Standards (NAAQS).

- **(Update)** The final rule approving the redesignation was published on July 5, 2017.

Region 5 Weekly Report

July 7, 2017

HOT ISSUES:

Region 5 Responded to Canadian National Train Derailment in Plainfield, Illinois, on June 30, 2017

Key Message: The region worked closely with Canadian National (CN), Plainfield Fire Protection District, Plainfield Police, and Will County Emergency Management Agency to secure and mitigate any releases of oil to navigable waters of the U.S.

On the evening of June 30, 2017 a train carrying 115 cars, 113 of Alberta sands crude oil and 2 buffer cars, derailed causing 21 tanker cars, each carrying approximately 28,500 gallons, to come off the tracks. One of the cars lost its entire load and another lost about half the load before personnel were able to plug it. The oil released into an excavation ditch that contained the oil. The ditch was not connected to navigable waters of the U.S. and had been installed temporarily to accommodate the installation of a new natural gas pipeline. The fire department blanketed the leaking cars and spilled oil with high expansion firefighting foam to mitigate the threat of fire and to assist in containing any harmful gasses emanating from the oil. As CN began moving the cars to stage them for offloading, two additional cars began leaking. One car released its entire load; however, a vacuum truck was stationed at the leak and recovered the oil immediately. No residential evacuations were made, but nearby businesses were evacuated.

EPA monitored impacts to navigable waters of the U.S. throughout the entire event. The closest waterway identified was the DuPage River approximately one-quarter mile from the derailment and no impacts to the water were identified. Once the spilled oil was recovered and the cars were staged for offloading, EPA began transitioning oversight to Illinois EPA. It is estimated that approximately 10,000 gallons of oil remain in the soils near the release site, but do not pose an imminent or substantial threat to waters of the U.S. EPA provided a site tour to Will County Department of Health to show the locations where oil may be remaining and explained the outstanding concerns. More information can be found at EPA's website at <http://response.epa.gov/CNDerailment>.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS

NONE

PAST WEEK ACCOMPLISHMENTS:

Indiana Department of Environmental Management and Region 5 Sign Performance Partnership Agreement

Key Message: Indiana and Region 5 enter into 11th Performance Partnership Agreement (PPA), utilizing improved coordination process.

On June 30, 2017, the Indiana Department of Environmental Management (IDEM) and Region 5 entered into their 11th PPA. The PPA identifies individual agency priorities and joint priorities; outlines key strategies for each priority and goal; and contains the workplan for achieving these goals over the next two years. The term of the PPA is from July 1, 2017 through June 30, 2019 and covers the Air 105, Water 106, as well as the RCRA and TSCA PCB grant programs.

Building on a successful Wisconsin PPA Lean effort, Region 5 has been working to fully employ the many efficiencies that Sharepoint has to offer. With IDEM's input, Region 5 developed a Sharepoint

site that would allow managers from both agencies access to upload, edit and comment on the draft agreements prior to final signature. The process also included an elevation protocol that provided IDEM and Region 5 managers a way to quickly elevate a stalled issue to senior management.

The use of Sharepoint for the development of this PPA allowed for greater coordination and interaction between state and federal managers than had occurred with previous PPA development. It also provided a fast and efficient method for IDEM and Region 5 managers to submit comments and negotiate issues. This, in turn, led to a faster review and approval process while ensuring that the PPA addressed both agencies' priorities and objectives.

Region 5 Investigated Potential Drinking Water Contamination at the Detroit Metropolitan Airport in Romulus, Michigan

Key Message: On June 29, 2017, the region initiated a response to an allegation of contamination in the drinking water system at the Detroit Metropolitan Airport.

The region immediately notified Michigan Department of Environmental Quality (MDEQ) of the report and attempted to obtain access to investigate and collect water samples at the airport but was unable to secure access from the Wayne County Airport Authority (WCAA). WCAA informed MDEQ that approximately one week earlier there had been an incident and that they had immediately collected water samples from the hot and cold water systems of the building. Elevated copper was detected in the hot water system, but copper concentrations were below the EPA Maximum Contaminant Levels (MCLs) in the drinking water system. The hot water system was shutdown pending an investigation.

On June 30, EPA received voluntary access from WCAA to collect water samples. Data was received and reviewed by ATSDR and shared with WCAA. All parameters were below limits and other measured parameters were not unexpected. Preliminary review indicates that WCAA's results, collected on June 20, are below EPA MCLs for copper but approximately 10-times the concentrations detected in EPA's results from June 30. Moving forward, Region 5 will continue to coordinate and share available information with MDEQ.

Region 6 Weekly Report

July 7, 2017

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Stoller USA, Houston, Texas

Region 6 is concluding internal coordination and plans to initiate a Stop Sale, Use, or Removal Order (SSURO) against Stoller USA, LLC (Stoller) for 16 products, based on referrals from the Missouri Department of Agriculture, Iowa Department of Agriculture, and a follow-up inspection conducted on June 22, 2016, at its Houston, Texas, operations. It has been determined that Stoller's products should be registered as plant regulators. Region 6 also plans to move forward with an administrative penalty case.

XTO Air Permit, Rio Arriba Co., New Mexico

EPA Region 6 will issue a final synthetic minor permit to XTO Energy for an existing operation on the Jicarilla Apache tribal land located in the Rio Arriba county of New Mexico. The facility had applied for a synthetic minor permit for its operation of 3 gas wells and a compressor station. Region 6 proposed a draft permit and received no comments during the public notice period.

Final PCB Authorization for Eagle, Westlake, Louisiana

Region 6 will issue final authorization for Eagle to dispose of onsite process waste generated PCB containing liquids in its Incinerator 1 & 2 and its No. 3 Halogen Acid Furnace. A Public Notice was published in the Lake Charles American Press which opened a 45-day comment period during which requests could be made for a public hearing.

Tar Creek Superfund Site, Ottawa County, Oklahoma

Region 6 will conduct sampling for lead at the Tar Creek Superfund site, Operable Unit 5 in Ottawa County, OK. Data will fill data gaps related to characterization of and potential risk related to sediment and surface water within the Tristate Watershed; an area of 7 watersheds that covers approximately 437 square miles and 119 river miles. On July 13, the Oklahoma Department of Environmental Quality will sponsor a "Media Day" at the Tar Creek Site.

Bird Creek, Pawhuska, Oklahoma

Sampling of all surface water bodies was completed and samples were sent by chain of custody to EPA's Houston Laboratory for analysis. Data has been downloaded from the 18 surface water monitors, which were put in place to detect any changes in total dissolved solids during the time injection wells were shut-in. These instream monitors will continue to collect data to assist in the ongoing investigation of the elevated levels of Total Dissolved Solids.

Parker Solvents, Little Rock, Arkansas

At the request of ADEQ, Region 6 will conduct groundwater sampling at the Parker Solvents facility, to help with the final site-wide RCRA cleanup remedy. Parker Solvents Co., is a solvent blending, temporary bulk storage, sales, and distribution facility in Little Rock, Arkansas.

Lea and West Second Street Superfund Site, Roswell, New Mexico

Region 6 will conduct additional passive soil gas sampling at residential and commercial locations at the Lea and West Second Street Superfund site, Roswell, New Mexico, to assist in defining the source area for volatile organic contamination and for definition of the groundwater plume migration. This work is required to define the horizontal and vertical extent of contamination which is required for completion of a feasibility study.

Texas Vermiculite Superfund Removal Site, Burnet, TX

Region 6 will mobilize to the Texas Vermiculite Superfund Removal site in Burnet, Texas, to begin collecting soil and air samples for asbestos analysis. The assessment is planned to be completed by July 14.

Citizen Potawatomi Nation of Oklahoma

Region 6 Tribal Operations Committee will meet on **July 12** in Albuquerque, NM and TAS application status will be discussed with Tribal leaders. The internal EPA review by Headquarters' Office of Water, General Counsel and Tribal Affairs on the draft approval of the treatment as a state authority (TAS) for Citizen Potawatomi to administer water quality standards and certification program under the federal Clean Water Act is on-going. The CPN TAS application is of high interest to the Tribes.

Reef/Rockwater Services, Snyder, Texas & Hobbs, New Mexico

After close coordination with the states, Region 6 will issue a RCRA §3007 Information Request to Reef/Rockwater Services regarding their operations in Snyder, Texas, and Hobbs, New Mexico. Reef/Rockwater provides oil and gas field services in Texas and New Mexico. Data reviewed from a treatment storage and disposal facility in Texas indicates that each of the facilities, while theoretically conditionally exempt small quantity generators, are actually large quantity generators and subject to hazardous waste generator requirements.

January Environmental Services, Oklahoma City, Oklahoma

In response to a referral by Oklahoma Department of Environmental Quality, Region 6 will issue a RCRA §3007 Information Request to January Environmental Services (JES) regarding their operation in Oklahoma City, Oklahoma. JES offers a variety of services including used oil recycling, parts washing, tank cleaning, and hazardous waste transportation.

Georgia Pacific Plant, Crossett, Louisiana

EPA, ADEQ and Georgia-Pacific representatives are scheduled to meet on **July 14** in Little Rock, Arkansas to discuss path forward in resolving issues, including a Title VI Civil Rights complaint.

Denka, LaPlace, Louisiana

According to news reports, 13 St. John the Baptist Parish residents have filed a lawsuit against the facility's current and previous owners in an effort to reduce or stop production of what the Environmental Protection Agency considers a "likely carcinogen." The suit, filed in 40th Judicial District Court against Denka Performance Elastomer and E.I. du Pont de Nemours and Co., seeks class-action status. The suit, assigned to Judge J. Sterling Snowdy, asks that the class include anyone who has lived, worked or attended school within a defined boundary surrounding the facility from 2011 to the present. The judge will determine if the petition meets the criteria to become a class action.

EPA (Region 6, ORD and OAQPS) will join LDEQ and Saint John the Baptist Parish President to brief local elected officials on **July 13** regarding chloroprene concentrations and Denka's progress in reducing emissions in LaPlace, Louisiana.

Region 6 Federal Facility Symposium, Dallas, Texas

Region 6 will host the annual training symposium on **July 12-13**. This year's Symposium agenda focuses on compliance assistance with compliance related presentations and regulatory updates. The afternoon of the second day includes state and federal facility led discussions. The symposium

provides a forum for representatives of different federal facilities to interact with State and EPA regulators to share information about environmental programs and common issues.

FOIA

- EPA-R6-2017-007065, Oklahoma Energy Today, Copies of investigations into Plains All American Pipeline Company
- EPA-R6-2016-010733, FOX 23, Copies of investigations related to Wilcox and/or Lorraine Superfund Site in Bristow, Oklahoma

UPCOMING PUBLIC EVENTS

- July 10 – North Wastewater Treatment Plant Groundbreaking Ceremony, Sunland Park, New Mexico
- July 12 – EPA Regional Tribal Operation Committee meeting, Albuquerque, New Mexico
- July 27-28 – Children’s Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.
- August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.
- August 8 – State Environmental Directors’ Meeting, Dallas, Texas (Tentative)
- September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.
- September 12-14 – US Mexico Border National Coordinator Meeting, Mexico City, Mexico
- September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution
- October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting RA will keynote.

UPCOMING DECISIONS

Texas State Implementation Plan - Reasonably Available Control Technology (RACT) for the 2008 8-Hour Ozone National Ambient Air Quality Standard

Region 6 will propose the conditional approval of revisions to the Texas SIP addressing NOx RACT for the Martin Marietta cement manufacturing plant in Ellis County; fully approve revisions to the Texas SIP addressing NOx RACT for all other affected sources in the ten county DFW 2008 8-Hour ozone nonattainment area; and approve a finding that there are no emission sources in certain categories for the DFW 2008 8-Hour ozone nonattainment area.

Texas Regional Haze

EPA (Region 6, OAR, OGC) and TCEQ continue to develop an approach to address Texas Regional Haze and Texas has provided a proposal and subsequent clarification that describes a proposed “Intrastate Trading Program” that would be a part of a FIP that would ultimately be implemented by the State. EPA has a September 9 CD deadline that requires EPA to finalize a plan.

PAST WEEK ACCOMPLISHMENTS

Arkansas Regional Haze

Region 6 transmitted for the Administrator’s consideration a proposed revision of the Arkansas Regional Haze Federal Implementation Plan (FIP) that was published in the Federal Register on September 27, 2016. EPA is proposing to extend compliance deadlines by 21 months to January 27,

2020, as a result of our reconsideration process and our 90 day stay of the effectiveness of the compliance dates.

Arkansas Hazardous Waste Program

Region 6 proposed a direct final rule to authorize the State of Arkansas for State-initiated changes to their hazardous waste program and codifying the State's base hazardous waste program revisions.

PENDING ACTIONS (Pending Federal Register Publication)

- Final Authorization of Louisiana Waste Management Program Revisions; Proposed Rule and Direct Final Rule (9962-36-Region6; 9962-37-Region6)
- Final Authorization of Oklahoma Hazardous Waste Management Program Revisions; Proposed Rule and Direct Final Rule (9962-38-Region6; 9962-39-Region6)
- Approval of BART for Entergy Nelson for Louisiana Regional Haze (9964-20-Region6)
- Clean Air Act Operating Permit; Petition for Objection to State Operating Permit for Bunge North America, Inc. Destrehan Grain Elevator (9963-99-Region6)
- Hazardous Waste Management System; Identification and Listing of Hazardous Waste (9964-71-Region6)
- Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport FIP Revision (9964-52-Region6)

Region 7 Weekly Report

July 7, 2017

Hot Issues

Approval of Iowa Water Quality Standard

Key Message: On June 30, 2017, R7 approved the Iowa water quality standard for copper which is based upon the most current science.

- The state is adopting two “performance-based” approaches using the Water Effects Ratio (WER) and the Copper Biotic Ligand Model to calculate site-specific criteria for copper.
- The WER accounts for differences between the toxicity of copper in laboratory dilution water and copper’s toxicity in the water at the site, taking into account additional factors affecting the bioavailability of copper to aquatic life.
- The Copper BLM is the “state of the science” for development of copper criteria; the model uses multiple parameters to consider how bioavailability affects the toxicity of copper.
- These rules elevate the level of science in Iowa’s ongoing efforts to develop protective copper criteria in its waters, and will ensure that dischargers’ effluent limits are established at levels that are protective of the state’s designated uses.

Last Week’s Highlights

4-State Operator Certification and Capacity Development Meeting

Key Message: On June 27 and 28, 2017, R7 held a 4-state Operator Certification and Capacity Development meeting to allow the state programs to exchange their successes and challenges.

- Nebraska shared success examples of board and council training which resulted in improved operations.
- Missouri shared a success example: the number of systems operated by one operator created a malpractice and negligence situation that impacted 32 public water systems. Through Missouri’s actions to revoke the operator’s license, it resulted in water systems having operators with a more balanced workload for greater assurance of drinking water meeting health based standards; water systems receiving better oversight; and the communities receiving the work for which they are paying.

EPA Contract Solicitation for Cleburn Street Well Site

Key Message: On June 30, 2017, R7 opened a contract solicitation opportunity for in-situ thermal remediation of soil contamination at the Cleburn Street Well Superfund Site in east-central Nebraska.

- This contract opportunity closes on August 4, 2017, and has been issued as a small business set-aside competition.
- Potential prime contractors and subcontractors have been encouraged to attend a pre-proposal contract solicitation presentation and conference on July 11, 2017, in Grand Island, Nebraska.
- R7 is seeking a contractor to design, install, construct, operate, control and monitor an in-situ thermal remediation (ISTR) system to address soil contamination detected at and below the water table across a thermal treatment zone of approximately 12,700 square feet.
- The contractor will also be responsible for preparing the site for system installation, identifying existing PVC wells or piping affected by the ISTR system, installing groundwater monitoring wells, and performing site restoration activities associated with the ISTR.
- The total estimated dollar value range for this one-year firm fixed contract is \$3-6m.

EPA Contract Solicitation for Madison County Site

Key Message: On June 30, EPA opened a contract solicitation opportunity for remediation of lead contaminated soils within the Madison County Superfund Site.

- This contract opportunity closes on July 31, 2017, and has been issued as a small business set-aside competition.
- Potential prime contractors and subcontractors have been encouraged to attend a pre-proposal contract solicitation presentation and conference on July 12, 2017, in Fredericktown, Missouri.
- R7 is seeking a contractor to provide Remedial Action services for residential properties impacted by the transport of mine waste from 2 1/2 centuries of mining in the Old Lead Belt area located in southeast Missouri.
- The work to be performed under this contract consists of excavation, consolidation, disposal, and re-vegetation of mining wastes and contaminated soils at portions of the Site.
- The total estimated dollar value range for this fixed unit price contract is \$10-20m.

Region 8 Weekly Report

July 7, 2017

Hot Issues

EPA denies UIC Class V Permit Application for Winona Inn Limited Partnership D/B/A The Lodge at Mount Rushmore

Key Message: On July 3, 2017, Region 8 issued a final decision denying a Class V permit for the Lodge at Mount Rushmore (the Lodge) in Keystone, South Dakota owned by the Winona Inn Limited Partnership.

- EPA contacted Mr. Arend, the owner and operator of the Lodge, by email and phone on July 3, 2017 regarding our decision. Mr. Arend stated that he clearly understood the reason for the EPA's permit denial.
- EPA coordinated with Pennington County Water Protection and with South Dakota Department of Environment and Natural Resources throughout the application process and contacted the County and State upon issuing our final decision.
- EPA also contacted Kwinn Neff of Senator Rounds' office regarding our decision to deny the permit application.

Upcoming Public Events

Air Force Site Investigation and Upcoming Public Meeting on Perfluorocarbon (PFCs) in Security/Widefield Area

Key Message: Representatives from the Air Force Civil Engineering Center (AFCEC) and Peterson Air Force Base (PAFB) plan to publicly release the Air Force site investigation report regarding PFCs in the Security/Widefield area in late July, and are working with the Colorado Department of Public Health and Environment and local governments to plan an open house-style public meeting on July 25 to discuss the report.

- Last week, AFCEC shared that the site investigation report confirms that PFCs were released on PAFB, and that more sampling is needed to understand the movement of PFCs off the installation. This additional sampling will be done later this year.
- AFCEC will begin remedial work likely starting around December 2018.
- Air Force, State, and local groups requested that EPA Region 8 participate in the upcoming public meeting to answer questions about drinking water health advisories and EPA's role.
- Region 8 is coordinating with EPA HQ regarding possible participation in this meeting.
- All larger water systems and most small water systems continue to meet the health advisories for Perfluorooctane Sulfonate (PFOS) and Perfluorooctane Acid (PFOA), with the exception of Security Mobile Home Park, a church, and a shopping center. Individual homes with private wells that are above the health advisory have had in-home treatment installed.

Upcoming Major Decisions – None.

Last Week Highlights – None.

Region 9 Weekly Report

July 7, 2017

HOT ISSUES

1. **NAVY/SUPERFUND:** next week, we'll issue a notice of violation to the Navy for failing to operate and maintain groundwater controls at the Moffett Field NPL site, as required by the Federal Facility Agreement for this San Francisco Bay area site. The lack of a viable pump-and-treat system may have spread contaminated groundwater, and affected vapor intrusion through structures. Last year, the Navy transferred its O&M responsibilities to NASA, which then discovered the problem and invested \$500K to make the system operational. Our notice will invite the Navy to confer. We are presently reviewing our draft notice with OLEM.

PUBLIC ENGAGEMENT/PUBLIC MEETINGS

1. **ENVIRONMENTAL JUSTICE:** OP/OEJ's Charles Lee will speak at a So. California symposium hosted by the CA Dept. of Toxic Substances Control on July 27. He will also meet in San Francisco with Region 9 communities-focused and EJ staff.
2. **BROWNFIELDS:** we'll meeting with AZ Sen. McCain's Phoenix-based staff to discuss and tour Brownfields properties near the Salt River, and have invited the City of Phoenix and AZ Dept. of Environmental Quality.
3. **GREENING AMERICA'S COMMUNITIES:** we'll participate in a local Honolulu workshop and two public events (July 12 – 14) in which public input is sought re options for greening streets, infrastructure and buildings in two neighborhoods (Iwilei and Kapalama).

HIGHLIGHTS OF THE PAST WEEK

1. **TSCA COMPLIANCE:** we resolved a TSCA lead-paint case with the largest bathroom remodeling franchise in the nation, Rebath/5-day Kitchens/Kittle LLC, arising from Arizona-based residential violations of the Renovation, Repair and Painting rule. Kittle, a major subcontractor for Home Depot, will pay \$19,810 penalty.
2. **NPL LISTING:** on behalf of CA Gov. Brown, we received CalEPA's concurrence on EPA's proposal to listing the Orange County North Basin site (in So. California) . We've received support from CA Sen. Feinstein, and opposition from the Orange County Business Council. Meanwhile, field investigations proceed at the direction of the Orange County Water District.
3. **TRIBAL AUTHORIZATION:** we forwarded to OW two packages for "treatment in a manner similar to a state" (aka TAS) for the Rincon Band and Yurok Tribe, per CWA Sections 303 and 401. We plan to confer formal TAS approval at our annual October tribal conference in So. California.

Region 10 Weekly Report

July 7, 2017

Hot Issues

Proposal to Withdraw Proposed Determination For the Bristol Bay Watershed (AK): On July 11th EPA will propose to withdraw the 2014 Clean Water Act Section 404 (c) Proposed Determination to restrict the use of certain waters in the Bristol Bay watershed as disposal sites for dredged or fill material associated with mining the Pebble deposit. EPA agreed to initiate this proposed withdrawal process as part of the May 2017 settlement agreement with the Pebble Limited Partnership. EPA will take public comments for 90 days following the publication of the Federal Register Notice and will initiate a concurrent tribal consultation period. Senator Lisa Murkowski has expressed interest in ensuring that affected tribes and the fishing community have sufficient time and opportunity to participate given that the comment period begins during peak fishing season.

Meetings with State and Local Officials in Fairbanks re: PM2.5 Non-attainment (AK): Last week Region 10 staff and management met with the Fairbanks Northstar Borough Mayor and Alaska Department of Environmental Conservation Air Director about the process and timing for submitting a State Implementation Plan to address the serious non-attainment designation for the area, the state's request to split the non-attainment area into two, as well as questions regarding which data will be considered as regulatory. We believe we have alignment with the Borough and the State on these three issues raised by ADEC Commissioner Hartig with the Administrator's staff. We are now working to develop the products that would allow us to move forward on all three issues.

Upcoming Public Events

North Ridge Estates Superfund Site VIP Tour and Community Update (OR): On July 18th and 19th, Region 10 staff will host a community information session and VIP tour in Klamath Falls, Oregon for community members to learn about asbestos cleanup work taking place at the North Ridge Estates Superfund site. Representatives from Oregon DEQ and the site cleanup contractors will participate as will local elected officials and congressional staff.

Region 10 Meeting With Students From Japan: In response to a request from Japan's Ministry of the Environment, on July 19th, Region 10 will host three students from Japan, an official from the ministry, and others for a meeting on environmental education. The ministry indicates that this meeting fits into a mutual interest in collaboration on environmental education by EPA and Japan's Ministry of the Environment.

Upcoming Major Decisions

Conditional Approval of Idaho's Attainment Plan for Cache Valley PM2.5: In mid-July Region 10 plans to route for concurrence a Federal Register Notice for final approval of Idaho's attainment demonstration, and conditional approval of other components of the attainment plan for the Idaho portion of the Logan Utah-Idaho fine particulate matter nonattainment area. On April 25th, Idaho submitted a letter to EPA committing to implementing a number of key elements of their plan within one year of the effective date of our final action, which allows the EPA to conditionally approve these elements. The proposal to approve was published in the Federal Register on June 1 and the comment period ended on July 3. We received no comments and plan to finalize this action as proposed.

Last Week Highlights

EPA Seeks Input from Idaho Dairywomen and Cattlemen on Making Permit Reporting Easier: On July 6th, representatives from the Idaho Dairywomen and Cattlemen Associations met with Region 10's

Agriculture Advisor and staff from headquarters' Rural Branch to get feedback directly from producers on new software and applications EPA is developing which are aimed at making the recording keeping requirements of the NPDES CAFO general permit easier.

Tribal Government Consultation to the Idaho NPDES Program Application Process: Last week Region 10 sent letters to all tribal governments in Idaho providing an update on EPA's review of the Idaho NPDES program application, submitted to EPA in 2016. The letters notified the tribes of the state's and EPA's public review process including public meetings and hearings being scheduled for late summer/fall throughout the State of Idaho. The letters also invited the tribal governments to initiate tribal consultation on EPA's review and approval action on the application. Region 10 staff will also host a webinar for interested tribal staff on July 14.

Fort Wainwright Stakeholders Meeting (AK): Last week Region 10 staff and management participated in a meeting at Fort Wainwright to address on-going RCRA permit issues. The meeting was successful as the parties reached a formal agreement on an improved path forward which spells out how the facility will notify Region 10 of new waste sites and appropriate response actions.

Office of Administration and Resources Management Weekly Report

July 7, 2017

Hot Issues

VERA/VSIP Update

OARM is working with the U.S. Office of Personnel Management to address their questions related to our VERA/VSIP proposal. OARM anticipates the approval is imminent.

Next Steps: OARM has prepared communication/outreach materials that program and regional offices will use once approval is received. OARM continues to provide webinars on VERA/VSIP and retirement counseling to interested employees. If approval is received within the next few days, the VERA/VSIP application period will open on July 12, 2017 and close on July 26, 2017. Those who choose to submit an application and accept the offering must leave the agency by September 2, 2017.

Space Consolidation (DC Metro)

The Office of the Chief Financial Officer asked OARM to explore opportunities to further reduce our space footprint in the DC metro area in an effort to achieve some rent savings in FY2018. OARM has identified some options that could result in the release of two floors at our Potomac Yard facility and save us approximately \$2.6 million annually.

Next Steps: OARM will be meeting with the affected program offices (OARM/OLEM/OCSP/ORD) next week to discuss an approach forward and address any management concerns.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

None

Office of Air and Radiation Weekly Report

July 7, 2017

Upcoming Hot Issues and Important Deadlines

- **Proposed Rules under review at OMB:**
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
 - Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (deadline for signature is July 14, 2017)
 - Review of the Clean Power Plan
- **Declaration in a Fine Particulate Matter (PM_{2.5}) State Implementation Plan (SIP) Deadline Case:** By next Friday I will be signing a declaration to the court related to PM_{2.5} SIPs. (Background: EPA has an on-going case alleging EPA's failure to meet various deadlines to act on PM_{2.5} SIPs).

Upcoming Meetings, Public Events, or Other Public Releases

- **Montreal Protocol Meetings:** OAR staff will participate as members of the US delegation, led by the Department of State, in meetings of the Montreal Protocol in Bangkok, Thailand. EPA staff will serve as technical experts on a variety of topics. On July 10, staff will participate in a one-day workshop on international safety standards. On July 11-14, staff will participate in the Open-ended Working Group (OEWG) meeting to consider a variety of topics including the safe use of alternative refrigerants, the next steps in the phaseout of ozone-depleting HCFCs, the next replenishment, and approval of technologies for the destruction of substances controlled by the Montreal Protocol.
- **Oil and Gas Public Hearing:** On July 10, 2017, OAR will hold a public hearing on the Agency's proposed 3-month and 2-year stays for the Oil and Gas New Source Performance Standards. The hearing will be held from 9:00 am – 5:00 pm in the EPA East Building. Currently there are 151 speakers registered to speak.
- **Air Quality Design Values through 2016:** Together with our partners at the state and local level, EPA has completed the annual collection, quality assurance, and certification of air quality monitoring data and updated design values through 2016. As early as the week of July 17, we plan to post our annual update of design values in tabular form and through an interactive map (<https://www.epa.gov/air-trends>). (Background: A design value is a statistic that describes the air quality status of a given location relative to the level of the National Ambient Air Quality Standards (NAAQS). Design values are typically used to designate and classify nonattainment areas, as well as to assess progress towards meeting the NAAQS).

Upcoming Decisions

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.

- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **Delegated to Assistant Administrator's Signature - Waste Isolation Pilot Plan (WIPP) Recertification:** OAR is preparing a Federal Register (FR) notice announcing it is recertifying that the WIPP continues to comply with the Agency's radioactive waste disposal regulations. Once signed, the FR notice will be sent to OP. Statutory deadline for completing this action is July 13, 2017. (Background: As mandated by Congress in the WIPP Land Withdrawal Act, DOE is required to submit a recertification application to EPA every five years following the initial receipt of waste at the WIPP until the end of its operational activities. This will be the third WIPP recertification by EPA).
- **For Administrator's Signature – Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources:** This rule finalizes the changes to Procedure 2 - related to PM CEMs - that were proposed on November 21, 2016, and responds to the adverse comment received in response to the proposal and direct final rule. Industry has asked for the revisions to this rule. We anticipate the package will move to OP next week.

Recap of the Past Week

- **Actions recently signed:**
 - Renewable Fuel Standard (RFS) 2018 Volumes (proposed rule)
 - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines direct final rule and parallel proposal
 - Los Alamos National Laboratory (LANL) Baseline Inspection Federal Register notice
 - Significant New Alternatives Policy (SNAP) Notice 33 Federal Register notice
 - Notice of Intent to Establish Voluntary Criteria for Radon Credentialing Organizations

Office of Chemical Safety & Pollution Prevention Weekly Report

July 7, 2017

Important Deadlines

Due to the short holiday week, we do not have statistics to report on reduction of the new chemical backlog. Reporting will resume in next week's report.

Hot Issues

Formaldehyde Labeling Direct Final Rule

OCSPP plans to soon issue a direct final rule to amend the formaldehyde rule to allow early labeling of compliant composite wood products. This will reduce the unnecessary burden for panel producers, fabricators, distributors and retailers who want to roll out compliant inventory prior to the rule's compliance date. Another direct final rule will update several voluntary consensus standards referenced in the final rule.

Final Decision for Registration of a New Pesticide Active Ingredient – Cyclaniliprole

Within the next few weeks, the Pesticides Program anticipates publishing a final decision for the new pesticide, cyclaniliprole. This insecticide, developed by ISK Biosciences, controls several pests in a variety of fruits and vegetables. It's a potential replacement for organophosphates, carbamates, neonicotinoids, and pyrethroids. The only significant risks of concern are to honeybees and native bees, which will be mitigated as part of the registration decision by requiring certain restrictions (e.g., limiting to pre- and post-bloom applications). Risks will also be mitigated through the development of state managed pollinator protection plans, which is an approach supported by USDA and the state departments of agriculture. Stakeholder groups such as the American Honey Producers Association, American Beekeeping Federation, the Pollinator Stewardship Council, Center for Biodiversity, and Earth Justice may have concerns about this action.

Upcoming Meetings

Dicamba Spray Drift Meetings

During the week of July 10th, the Pesticides Program plans to hold a meeting with state departments of agriculture to discuss reported, wide-spread crop damage as a result of dicamba spray drift to unintended crops. Arkansas, Tennessee, Missouri and Mississippi have reported damaged crops. Also, on Thursday, July 6, OPP is meeting with dicamba registrants to discuss the spray drift issue.

Last Week Highlights

Cannabis Special Local Needs Pesticide Registration

On June 30 and July 3, the Washington State Department of Agriculture; Vermont Agency of Agriculture, Food & Markets; and the California Department of Pesticide Regulation withdrew their special local needs (SLN) registrations for use of a number of pesticide products on cannabis. The Nevada Department of Agriculture did not withdraw its SLNs and on July 3, EPA disapproved Nevada's SLNs for use on cannabis. EPA finds it reasonable to disapprove the state registrations because the pesticide use would be for the purpose of growing a crop that is generally illegal under federal law. EPA consulted with DOJ in making this determination. EPA has not identified any significant risks to human health or the environment associated with the SLN registrations.

Formaldehyde Compliance Date Rules

Due to adverse comments received on its May 2017 direct final rule extending compliance dates, in a July 6, 2017 Federal Register Notice, OCSPP withdrew that rule. OCSPP is proceeding to finalize the companion proposed rule to amend the compliance dates, taking into consideration comments received. The original compliance dates published in the December 12, 2016 final rule will remain in effect until another final agency action is taken.

Office of the Chief Financial Officer Weekly Report

July 7, 2017

Hot Issues

- N/A

Upcoming Public Events

- House Appropriations Subcommittee on Interior, Environment and Related Agencies FY 2018 markup will occur on July 12.

•

Upcoming Major Decisions

- The Acting CFO will sign the transmittal letter to submit the Animas River Spill (Gold King Mine) report to Congress outlining state, local and tribal reimbursement requests and their status. OLEM prepared the report and it has been approved by OMB. Congress requested this report in the FY 2017 Omnibus Appropriation Act.

Last Week Highlights

- N/A

Other

- OCFO continues to work with the Policy Team, OGC, OCIR, and OMB to review and clear responses to over 250 Questions for the Record from the June 15 House Appropriations Committee hearing.
- OCFO is finalizing the agenda for the FY 2019 planning and budget meeting on July 19. Materials are scheduled to be provided to participants one week before the meeting.
- Draft FY 2018-2019 NPM Guidances are posted on EPA's NPM Guidance website for the duration of the public comment period (June 28-July 28). NPMs' conference calls with states and tribes are scheduled for the following dates:
 - OAR July 11
 - Tribes July 11
 - OLEM July 13
 - OECA July 13
 - OW July 20

Office of Congressional and Intergovernmental Relations Weekly Report

July 7, 2017

Upcoming Hot Issues and Important Deadlines

- **July 12** - SEPW Business Meeting: Markup of S. 822-The Brownfields Utilization, Investment and Local Development Act of 2017;
- **July 12** - the Senate Environment and Public Works Committee will hold a vote on the nomination of Susan Parker Bodine to become assistant EPA administrator of the Office of Enforcement and Compliance Assurance
- **July 12** - 2017 Federal Green Challenge Awards
- **TBD** - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

Upcoming Events

- **July 10- July 12** – Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs will visit Florida DEQ, Region 7 All State meeting and attend EPA-ERIS Board Meeting on July 12th
- **July 12**- The Senate Environment and Public Works Committee (SEPW) will hold a markup on the Diesel Emissions Reduction Act (DERA) Reauthorization from
- **July 12** - EPA will meet with Mayor Jim Gray and other local officials from Lexington, Kentucky. The topics of discussion at this meeting will included WIFIA, Clean Water SRF, and Brownfields.
- **Week of July 10**- We continue to work to schedule a call with Sen. Blunt's staff and a Missouri business interested in Energy Star programs relevant to small diameter high velocity (heating, ventilation and air conditioning) HVACs
- **Week of July 24**- Commissioner Nick Fish, Bureau of Environmental Services, has requested to meet with Administrator Pruitt during the week of July 24th to discuss the Portland Harbor Superfund Clean-up. If the Administrator is not available, staff from OLEM, and Region X will join OIR for the meeting. Jason Minor, Governor Kate Brown's Natural Resources Manager; Kristen Leonard, Port of Oregon's Chief Public Affairs Officer; and, Annie Von Burg, City of Portland, will accompany Commissioner Fish

Past Week Accomplishments

- **July 3** - Transmittal of QFRs from May 19 House Energy & Commerce drinking water hearing
- **July 3** - Transmittal of QFRs from May 11 Senate Ag PRIA hearing
- **July 5** - Notification on Mt. Rushmore Hotel UIC Class V permit denial w/R8
- **July 6** - Technical Assistance call with Senate Environment and Public Works Committee majority staff on S. 203 "Recognizing the Protection of Motorsports Act of 2017"

Ongoing Activities

- Working with ECOS on planning the upcoming ECOS Leadership meeting scheduled for July 18th.
- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 22 letters during the previous two weeks
- Working on Reviewing Several QFR's including from House Appropriations Interior Subcommittee June 15th ; Senate Environment Public Workings Hearing March 29th ;
- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017*. The bill is the successor to Sen. Murkowski and Sen. Cantwell's legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.

Office of Enforcement and Compliance Assurance Weekly Report

July 7, 2017

Hot Issues

OECA Meeting with Acting Regional Administrators: On July 20th, OECA Senior Leadership will host a video conference with the Acting Regional Administrators to discuss the expanded use of compliance assurance tools, ways to strengthen joint planning with the States on compliance and enforcement matters, and other issues covered at the recent Senior Enforcement Managers Meeting.

Upcoming Public Events

OECA DAA to Meet with American Chemistry Council: On July 19th, OECA's Deputy Assistant Administrator, Patrick Traylor, will be the guest speaker at the American Chemistry Council's Enforcement Group meeting. Patrick has been asked to talk about OECA's priorities and approach to enforcement under the current Administration. The meeting will be closed to the press.

OECA to Participate in Environmental Press Event in El Salvador: Next week, OECA will be represented at a press event in El Salvador co-hosted by the U.S. Embassy, US AID, and the Salvadorian Ministry of Environment and Natural Resources (MARN). The purpose is to activate an on-line system for environmental assessments, permit applications and approvals, demonstrating the long-term environmental cooperation between the two countries. High-level officials from both countries plan to attend the event.

Call with States on NPM Guidance: On July 13th, OECA's senior managers will participate in a call with the states to discuss the enforcement and compliance components of OECA's draft FY 2018-2019 National Program Managers guidance.

Upcoming Major Decisions

*Case-specific deadlines are noted in our Daily Enforcement Report to Ryan Jackson.

Last Week's Highlights

OECA Summer 2017 Clinical Legal Education Honors Program Hosts 65 Students: Close to 1500 student applications were received from 35 Law schools and 10 undergraduate colleges across the country, for the summer 2017 OECA Intern program. Sixty-five applicants were selected to work under the supervision of a practicing attorney or technical professional, performing a wide variety of legal or technical research, policy analysis or writing assignments in each OECA office. The National Enforcement Training Institute offers weekly seminars on a variety of enforcement topics. These are also broadcast as webinars to regional interns as well as state, local and tribal enforcement personnel.

Peabody Energy Corporation Bankruptcy Settlement: On July 6th, OECA's Acting AA signed the Peabody Energy Corporation bankruptcy settlement. The Department of Justice will now submit the signed settlement to the U.S. Bankruptcy Court for the Eastern District of Missouri for its final approval. Under the agreement, EPA will receive a total of \$35.6 million in payments to help address urgent ongoing cleanup needs at ten Superfund sites, including the Tar Creek site in Oklahoma (where lead and zinc mining created significant surface and groundwater contamination); the Taylor Springs site in Illinois (where arsenic, cadmium, chromium, lead, and zinc were found in the soil, surface water, and groundwater); and the Caney Residential Yards site in Kansas (where smelter waste, debris, and lead contaminated soils are located in and around at least 81 residences, day care centers and schools).

Office of Environmental Information Weekly Report

July 7, 2017

Hot Issues

N/A

Upcoming Public Events

July 19: Smart City Air Challenge Webinar

- **Brief Description:** The Office of Environmental Information (OEI) will host the *U.S. Environmental Protection Agency (EPA) Smart City Air Challenge: The Winners* webinar on July 18, 2017. The webinar will include a discussion with the winners about their efforts to deploy air quality sensors in their communities, including progress, challenges, community engagement, data management and next steps.
- **Who benefits or cares:** EPA Region 3 and Region 6 leadership and employees, winning communities, citizen scientists and the general public.
- **Why this is important:** The Smart City Air Challenge awardees are demonstrating how to collect and manage data from air sensors at a local level.
- **Additional Information:**
 - The Smart City Air Challenge was designed to inspire communities to discover new approaches to manage data for air topics they care about, then develop solutions and share them with the public. EPA expects to learn how communities handle data from many sensors.
 - Local governments partnered with sensor manufacturers, data management companies and others to create strategies for collecting and using the data.
 - The EPA awarded \$40,000 each to Baltimore, Maryland, and Lafayette, Louisiana. The awards were based on their strategies, including their plans to share their data management methods so others can benefit.

Upcoming Major Decisions

NA

Last Week's Highlights

New EPA High Performance Computing (HPC) System Goes into Production

- **Brief description:** The agency's new HPC system, Atmos, went into production on July 1, 2017.
- **Who benefits or cares:** EPA researchers, regulators, and scientists
- **Why this is important:** The HPC system is used to support a wide variety of computational studies, including modeling and simulation (e.g., atmospheric, emissions, toxicology, water quality), computational chemistry and computational fluid dynamics. The new system is 2.3 times more powerful than the old system, improving the speed with which the EPA can conduct simulations.
- **Additional information:** N/A

Office of General Counsel Weekly Report

July 7, 2017

Hot Issues

- The Administrator signed letters to approximately 77 claimants whose tort claims related to the Gold King Mine release were previously denied. The letters announced the Administrator's reconsideration of the previously denied claims.
- Plaintiffs agreed to file a stipulation of voluntary dismissal of their case with prejudice in *NRDC v. EPA*, a case concerning EPA's Clean Water Act pretreatment standards for dental amalgam. EPA's actions resolved the case and case is shown as closed in court's docket.
- In light of the adverse decision issued by the D.C. Circuit on July 3, 2017, OGC is reviewing all pending litigation challenging administrative action to stay or defer agency rules to identify any potential implications and lessons learned. Based on that evaluation, OGC will work with DOJ to identify any actions the agency may want to take to reduce the risk of a second adverse decision in this area.
- OGC has been working closely with Region 10 and OW to, consistent with our commitment in the recent settlement agreement, initiate a proceeding to propose to withdraw the Proposed Determination to exercise our authority under Section 404(c) of the CWA in the Bristol Bay Watershed.
- I (Kevin) will be out of the office on leave beginning at the end of the day on Friday July 21, 2017, and return to the office on Wednesday August 2, 2017. While reachable through the OGC Front Office and by phone, I will not personally be checking emails on those days as I enjoy some time away with my partner before he begins a 15-month deployment overseas as part of his service in the Army Reserves.

New Judicial Decisions

- The court issued a decision on Plaintiff's Motion to Amend Complaint and Defendant's Motion to Dismiss in *Friends of Animals v. Pruitt*. Plaintiffs sued for unreasonable delay in responding to their petition to conduct a Special Review of the horse contraceptive ZonaStat-H. After the complaint was filed, EPA responded to the petition and filed a motion to dismiss the case as moot. Plaintiffs moved for leave to file an amended complaint to challenge the response, but did not include as part of their motion a copy of the amended complaint as is required by the local rules. The Court denied Plaintiff's motion for failure to attach the amended complaint and granted EPA's motion to dismiss based on lack of subject matter jurisdiction.
- A divided panel of the D.C. Circuit vacated the agency's 90-day stay of portions of the 2016 oil and gas NSPS on the basis that such stay exceeded the authority provided to the agency under section 307(d)(7)(B) of the Clean Air Act (CAA). While the Court agreed that EPA's decision to grant reconsideration was not judicially reviewable, the Court held that EPA's decision to impose the stay in light of that grant of reconsideration was judicially reviewable. [The dissenting judge disagreed and would have held that the decision to issue the stay was also not judicially reviewable as it is not the end of the agency's reconsideration process.] The court then held that the authority granted to EPA to issue a stay under CAA Section 307 was more limited than the agency's interpretation of the position, and concluded the action did not meet that more limited scenario. We are working actively with DOJ to evaluate a number of possible next steps for this case.
- The D.C. Circuit issued a decision on consolidated cases (*CBD, et al. v. EPA*) involving the registration of new active ingredient cyantraniliprole (CTP) and EPA's failure to consult under the Endangered Species Act. The D.C. Circuit upheld the lower court's decision that an ESA-

based challenge to a registration granted after public comment is properly brought in the Court of Appeals. Turning to the petition to review the registration, the Court held the plaintiffs had standing to challenge (though dissenting Judge Randolph would have held otherwise). The Court held that EPA was in violation of the ESA for not having made an effects determination and remanded the decision back to EPA to conduct an effects determination. Based on EPA's finding that CTP is less toxic to many taxa compared to its alternatives, the Court chose not to vacate the registration or mandate a schedule for making the determination.

- The D.C. Circuit denied a petition for rehearing filed in *Waterkeeper Alliance v. EPA*. Petitioner National Pork Producer's Council had sought rehearing of the D.C. Circuit's April 11, 2017, decision vacating the "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms" rule. The court's denial of the petition for rehearing triggered a 14-day deadline for EPA to file a motion to stay issuance of the mandate.
- A split panel of the First Circuit Court of Appeals issued a decision in *Penobscot Nation v. Mills* affirming in part and vacating in part a district court ruling addressing the boundary of the Penobscot Indian Nation's Reservation as well as the scope of the Tribe's sustenance fishing right. The Tribe had sued in federal district court seeking to resolve ongoing disputes with the State of Maine over the Main Stem of the Penobscot River. Specifically, the Tribe sought a declaration that in addition to certain islands located in the Main Stem, its Reservation also included the River itself, bank-to-bank. The United States intervened in the case in support of the Tribe. The district court found that under the definition of the Reservation contained in State law and ratified by Congress, the Reservation consisted only of the islands, and not the waters or bed, of the Main Stem. The court also found, however, that the same statutory scheme preserved the Tribe's right to sustenance fish in the entire Main Stem.

New Complaints Filed

None to report

Other Highlights from Last Week

None to report

Upcoming Public Events & Important Meetings in the Next Two Weeks

- OGC's senior leadership team is looking forward to joining our colleagues from across the agency at the upcoming senior leadership meeting.
- The Department of Justice has invited representatives from EPA, DOI, and the Army Corps of Engineers to a meeting the week of July 17th to discuss a draft motion prepared by the South Florida Water Management District to vacate the 1992 Everglades consent decree. Historically, the agency has been an active participant in this litigation, but has not been the lead federal agency.

Upcoming Major Deadlines in the Next Two Weeks

- 07/07 Agency's response to GAO's request for additional information in the bid protest of SCST Engineering, a protest where SCST alleges that the Agency improperly evaluated and then removed SCST from the competition for a Superfund design and engineering services contract
- 07/10 EPA's Response to Motion to Stay due in *Air Alliance Houston, et al. v. EPA*, a petition for review of EPA's final action titled "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date"
- 07/10 EPA's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion is due in *Nucor Steel-Arkansas, et al. v. EPA*, Failure to grant or deny Nucor petition for objection to

- Title V Operating Permit issued to Big River Steel by Arkansas DEQ for a steel manufacturing facility in Osceola, Arkansas
- 07/10 The U.S.'s brief is due in *Sunnyside Gold Corp. v. EPA*, a challenge to EPA's listing of the Bonita Peak Mining District near Silverton, Colorado to the NPL, is due
- 07/11 The CERCLA 108(b) rulemaking comment period closes
- 07/11 EPA must initiate the process to withdraw a Proposed Determination under CWA 404(c) in relation to *Pebble Limited Partnership v. EPA*
- 07/11 EPA's response to ASW's response is due in *ASW Associates, Inc. v. EPA*, a case brought by a former remediation contractor
- 07/12 Pursuant to the MOU in *OVEC v. Pruitt*, WVDEP and EPA must sign an addendum to MOA that identifies TMDL development schedule with date-specific deadlines for WVDEP submittal of TMDLs to EPA for 467 biologically-impaired waters
- 07/13 EPA's Opposition to Summary Judgment/Cross-Motion for Summary Judgment is due in *CBD v. EPA*, a deadline suit brought by environmental group to address state implementation of multiple fine particulate matter (PM_{2.5}) national ambient air quality standards
- 07/13 EPA's Dispositive Motion is due in *Cause of Action v. EPA*, a lawsuit concerning EPA's alleged failure to respond to a FOIA request regarding employees' use of an encrypted messaging application, called "Signal," to communicate about agency business, as well as EPA efforts to retrieve, recover, or retain records created or received by EPA employees on Signal, from January 20, 2017 to the present
- 07/13 Reply brief is due in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET)
- 07/13 Opposition to NRDC's summary judgement motion is due in a mandatory duty lawsuit alleging that California water rights permit decisions are new and revised CWA WQS
- 07/14 EPA's Answer in *CBD v. Pruitt*, a deadline suit brought by environmental group to make determinations of attainment by the attainment deadline for the Philadelphia and Washington DC 2008 ozone NAAQS nonattainment areas, is due
- 07/14 In *EIP, et al. v. Pruitt*, a CAA Title V deadline suit alleging failure to respond to petition to object to Title V Petition, the EPA must file its Response to Motion for Summary Judgement
- 07/14 EPA must sign a notice of proposed rulemaking in review of primary NO_x NAAQS in *Center for Biological Diversity et al. v. EPA*, a deadline suit for failure to timely review; revise and promulgate the Air Quality Criteria for Sulfur Oxides and the NAAQS for Sulfur Dioxide and Nitrogen Oxides as may be appropriate
- 07/14 EPA's Answer to the Complaint is due in *Pesticide Action Network of North America v. EPA*, a FOIA litigation arising from two FOIA requests from Pesticide Action Network of North America (PANNA) related to the chemical chlorpyrifos
- 07/14 EPA to file motion to dismiss A district court lawsuit on jurisdictional grounds in LA *Waterkeeper, et al. v. Pruitt*, a challenge to EPA's denial of petition asking EPA to exercise residual designation authority to require NPDES permits for commercial, industrial, and institutional stormwater discharges within two LA-area watersheds
- 07/15 Response brief is due in *U.S. Steel Corp. v. EPA*, a petition for review challenging the revised taconite FIP
- 07/15 EPA's Answer to the Complaint is due in *Board of Commissioners of Clermont County, Ohio v. EPA*, a FOIA litigation concerning the CECOS hazardous waste site in Clermont County, Ohio
- 07/17 Opposition to the State of Arizona's Petition for Certiorari in *Bahr, et al. v. EPA*
- 07/17 EPA must file a motion to stay the issuance of a mandate in *Waterkeeper Alliance v. EPA*

- 07/17 EPA's appellate brief is due appealing a district court order that EPA had mandatory duty to act on constructive submission of no WV TMDLs for biologically-impaired streams in *OVEC v. Pruitt*
- 07/17 EPA to file motion to dismiss district court lawsuit on jurisdictional grounds in *Blue Water Baltimore, et al. v Pruitt*
- 07/19 EPA's Answer is due in *Sierra Club v. EPA*, a case alleging that the Agency failed to grant or deny a petition seeking an objection by EPA to the Title V Operating Permit renewal for the Tennessee Valley Authority's Gallatin Fossil Plant
- 07/19 Parties to file briefs addressing the effect of EPA approval or disapproval of Montana's 2017 revised variance on pending case in *Upper Missouri Waterkeeper v. EPA*
- 07/20 Motions to govern further proceedings is due in *Truck Trailer Manufacturers Ass'n v. EPA*, a petition for review of EPA's final rule "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2"
- 07/20 Reply brief is due in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET)
- 07/21 Answer is due in *State of Connecticut v. EPA*, where EPA allegedly failed to grant or deny a section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania
- 07/21 EPA's response brief is due in *Environmental Integrity Project v. EPA*, a case where the State of North Dakota appealed the district court's decision to deny the State's intervention request and challenge to consent decree entered in December 2016

Office of International and Tribal Affairs Weekly Report

July 7, 2017

Hot Issues

None

Upcoming Engagements

- Meeting with Chairman of Kootenai Tribe of Idaho on July 12
- Interagency meeting on Columbia River Treaty negotiations on July 13

Past Week's Highlights

Japan Bilateral Cooperation

OITA participated in a meeting with the Ministry of Environment to follow up on the recent G7 Ministerial bilateral meeting between the U.S. and Japan. Three areas of bilateral cooperation were discussed - regional air quality, mercury pollution, and environmental education. Japan expressed interest in a Ministerial Joint Statement of Cooperation which would highlight these areas of cooperation. In addition, we discussed Japan's advanced coal technology and other clean energy innovations.

Public-Private Dialogue on Lead Paint

OITA participated in a meeting with UN Environment to help plan a high level dialogue between government ministers and paint industry leaders at the upcoming UN General Assembly meeting in New York City in September. The meeting will focus on how industry and governments can work together to eliminate lead paint through promoting a harmonized approach to lead paint limits, which would help create a level playing field for industry. In the coming weeks, EPA will meet with U.S. industry representatives to obtain their views on specific goals and outcomes for this meeting and then will work with UN Environment to finalize a proposal for the high level dialogue on lead paint.

Office of Land and Emergency Management Weekly Report

July 7, 2017

Hot Issues

1. National Priorities List (NPL), package of proposed sites and final sites.
2. CCR State Permit Program Guidance.
3. Clean Air Act 112(r) Risk Management Program Rule.
4. CERCLA 108(b) Financial Assurance Rulemaking.
5. Hanford Record of Decision (ROD).
6. Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King mine / Bonita Peak, Hudson River).
7. CERCLA-EPCRA AFO-CAFO Rule.

Upcoming Public Events

1. **2017 Brownfields Conference.** (December 5, 2017, in Pittsburgh). Following up on oral discussions, a request is pending for the Administrator to provide the keynote address.
2. **Federal Green Challenge.** We are working with OPA to announce the Federal Green Challenge award winners and their achievements from FY2016.

Upcoming Major Decisions

1. **National Priorities List package of proposed and final sites.**
2. **Hanford ROD.** We are working with Region 10 and the AO in preparation for the briefing with the Administrator.
3. **CERCLA 108(b) Financial Assurance Rulemaking.** The comment period ends on July 11, 2017. Pursuant to a judicial order on consent, a notice of EPA's final action will be signed by December 1, 2017.
4. **CERCLA-EPCRA AFO-CAFO Rule.** In light of the DC Circuit's actions, we are conferring with OGC on next steps.

Last Week Highlights

1. **Mississippi Phosphate site.** We worked closely with Region 4 as it assessed and stabilized the site.
2. **General Electric Financial Assurance template.** We are conferring with the AO regarding this technical assistance requested by state staff.

Office of Policy Weekly Report

July 7, 2017

Documents Sent to the Office of Federal Register – Week of June 26

9962-00-OCSP	CACI/Emergent and ARCTIC SLOPE MISSION SERVICES, LLC; Transfer of Data	6/30/2017
9964-49-Region 5	Air Plan Approval; Wisconsin; Site-Specific Sulfur Dioxide Requirements for USG Interiors, LLC	6/30/2017
9964-50-Region 5	Air Plan Approval; Wisconsin; Site-Specific Sulfur Dioxide Requirements for USG Interiors, LLC	6/30/2017
9962-53-Region 9	Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District	6/30/2017
9964-47-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of North Carolina	6/30/2017
9964-51-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Georgia	6/30/2017
9961-59-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of West Virginia	6/30/2017
9964-56-Region 4	Air Plan Approval; TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Shelby County	6/30/2017
9964-57-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Volatile Organic Compound Reasonably Available Control Technology for 1997 Ozone Standard	6/30/2017
9964-58-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Volatile Organic Compound Reasonably Available Control Technology for 1997 Ozone Standard	6/30/2017
9963-74-OCSP	Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products	6/29/2017

9961-05-OCSP	Registration Review Proposed Interim Decisions for Aliphatic Esters, Mepiquat Chloride and Mepiquat Pentaborate, Propylene Glycol and Dipropylene Glycol, Triethylene Glycol, Bromuconazole, and case closures for ADAO, DMHMP, and Nuosept 145; Notice of Availability	6/29/2017
9962-06-OCSP	Buprofezin; Pesticide Tolerance	6/29/2017
9962-13-OCSP	Flubendiamide; Pesticide Tolerances	6/29/2017
9962-19-OCSP	Oxirane, 2-methyl, Polymer with Oxirane, Hydrogen Sulfate, Ammonium Salt and Potassium Salt; Tolerance Exemption	6/29/2017
9962-59-OCSP	Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations	6/29/2017
9962-60-OCSP	Pyroxsulam; Pesticide Tolerances	6/29/2017
9962-66-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for March 2017	6/29/2017
9962-87-OCSP	Product Cancellation Order for Certain Pesticide Registrations	6/29/2017
9962-88-OCSP	Product Cancellation Order for Certain Pesticide Registration	6/29/2017
9961-82-OCSP	Final Rule - Titanium Dioxide; Exemption from the Requirement of a Tolerance	6/29/2017
9962-05-OCSP	Final Rule - Difenoconazole; Pesticide Tolerances	6/29/2017
9962-61-OCSP	Final Rule - Indaziflam; Pesticide Tolerances	6/29/2017
9964-01-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Shpack Landfill Superfund Site	6/28/2017
9964-03-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Shpack Landfill Superfund Site	6/28/2017
9964-41-Region 4	Air Plan Approval and Designation of Areas; KY; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton 2008 8-Hour Ozone Nonattainment Area to Attainment	6/28/2017

9962-34-OW	Definition of “Waters of the United States”; Recodification of Preexisting Rules	6/28/2017
9959-80-OAR	Proposed Information Collection Request; Comment Request; Information Collection Activities Associated with the SmartWay Transport Partnership	6/27/2017
9964-23-Region 1	Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC	6/27/2017
9964-26-Region 1	Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC	6/27/2017
9964-39-Region 4	Air Plan Approval; FL: Hillsborough and Nassau Areas; SO2 Attainment Demonstration	6/27/2017
9964-44-Region 9	Approval and Promulgation of Air Quality State Implementation Plans; California; Ambient Ozone Monitoring Requirements	6/27/2017
9964-33-Region 4	Kentucky; Removal of Stage II Gasoline Vapor Recovery Program	6/27/2017
9964-34-Region 4	Air Plan Approval; FL: Revisions to New Source Review, Definitions and Small Business Assistance Programs	6/27/2017
9964-35-Region 4	Air Plan Approval; FL: Revisions to New Source Review, Definitions and Small Business Assistance Programs	6/27/2017
9964-43-OAR	Proposed Information Collection Request; Comment Request; Engine Emission Defect Information Reports and Voluntary Emission Recall Reports	6/26/2017
9964-02-Region 9	Adequacy Status of Motor Vehicle Emission Budgets in Submitted Ozone Attainment Plan for San Joaquin Valley, California	6/26/2017
9964-30-Region 8	Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 2010 SO2 and 2012 PM2.5 National Ambient Air Quality Standards; North Dakota	6/26/2017

9964-31-Region 4	Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plating and Polishing Operations	6/26/2017
9964-32-Region 4	Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plating and Polishing Operations	6/26/2017
9963-96-Region 5	Notification of a Public Teleconference of the Great Lakes Advisory Board	6/26/2017
9963-94-Region 8	National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Partial Deletion of the Mystery Bridge Road /U.S. Highway 20 Superfund Site	6/26/2017
9963-95-Region 8	National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Partial Deletion of the Mystery Bridge Road /U.S. Highway 20 Superfund Site	6/26/2017
9963-90-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Idaho	6/26/2017
9963-49-OAR	Proposed Information Collection Request; Comment Request; Information Collection Request Renewal for the Nox Budget Trading Program to Reduce the Regional Transport of Ozone	6/26/2017
9963-77-OARM	Good Neighbor Environmental Board	6/26/2017
9963-76-Region 5	Air Plan Approval; Illinois; Revised Format for Materials Incorporated by Reference	6/26/2017
9962-16-OECA	Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text	6/26/2017
9962-43-OAR	Proposed Information Collection Request; Comment Request; Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel	6/26/2017

9962-35-OW	Proposed Information Collection Request; Comment Request; Modification of Secondary Treatment Requirements for Discharges into Marine Waters (Renewal)	6/26/2017
9962-14-OAR	Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Gasoline Volatility	6/26/2017
9962-12-OW	Proposed Information Collection Request; Comment Request; ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)	6/26/2017
9961-97-OW	Proposed Information Collection Request; Comment Request; Clean Water Act Section 404 State-Assumed Programs; EPA ICR No. 0220.13, OMB Control No. xxxx-xxxx	6/26/2017
9959-95-OA	Notice of Meetings	6/26/2017
9955-06-Region 2	Approval and Promulgation of Implementation Plans; New Jersey; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference	6/26/2017
9964-10-Region 4	Air Plan Approval; Alabama: Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	6/26/2017
9964-07-Region 4	Air Plan Approval; Kentucky; Revisions to Jefferson County Emissions Monitoring and Reporting	6/26/2017
9964-17-OEI	NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) Units (Renewal); ICR 2384.04	6/26/2017

Office of Research and Development

July 7, 2017

Hot Issues

Chloroprene in LaPlace, LA

ORD is supporting Region 6 on Chloroprene. High air concentrations of chloroprene have been measured at schools near a facility emitting chloroprene in LaPlace, LA. In evaluating potential near-term risk reduction measures, a question was posed as to whether an activated carbon system might be placed in schools or homes (perhaps as part of the air conditioning systems) to remove chloroprene from the indoor environment. ORD scientists are helping to address some of the community's questions and concerns.

Technical Support to Osage County, OK

Region 6 contacted ORD for groundwater expertise and technical support with ongoing issues of high salinity in Bird Creek. In October 2016, a rancher reported oil sheen, elevated temperatures, and suds in the creek. Two injection wells located approximately half a mile from the impacted area were found to have mechanical integrity issues. Region 6 conducted an initial geophysical assessment using OhmMapper (a resistivity meter that measures the electrical properties of rock and soil) to locate any conductive features that may be related to a potential brine release. However, the Region's survey results were inconclusive. ORD's assessment will include additional work with OhmMapper, followed by focused electrical resistivity imaging surveys at selected sites if warranted by the results. The affected area is located on Tribal land, Osage Nation.

ORD assists North Carolina DEQ in Cape Fear PFAS study

At the request of the N.C. Department of Environmental Quality (NCDEQ) and EPA Region 4, ORD is continuing to conduct an independent laboratory analysis of water samples being collected by NCDEQ at 13 locations in the Cape Fear River watershed over the next three weeks. The watershed is a source of drinking water for millions of North Carolina residents. ORD scientists are analyzing wastewater, surface water, ground water, and treated drinking water samples to determine the presence and concentration of the chemical "Gen X" in the samples. Gen X is a replacement chemical for perfluorooctanoic acid (PFOA), which has an EPA-established health advisory level of 70 parts per trillion. The scientists are also analyzing the samples to determine the presence of perfluoro-2-methoxyacetic acid and perfluoro-3,5-dioxahexanoic acid, which are related perfluoroalkyl substances (PFAS). The analysis is expected to be completed by the end of July. The lab method being used in this analyses was developed by ORD scientists and has been used in EPA research and in supporting other analysis efforts requested by states. The finding of GenX in finished drinking water was first reported in a 2016 journal article authored by ORD scientists titled "Legacy and Emerging Perfluoroalkyl Substances Are Important Drinking Water Contaminants in the Cape Fear River Watershed of North Carolina" published in *Environmental Science & Technology Letters*.

Upcoming Public Events

ERIS Board in Oklahoma

I and several senior ORD staff are looking forward to meeting with the ERIS Board in Oklahoma on Tuesday and Wednesday and sharing information about our research portfolio, including special topics such as PFAS, which emerged as one of the high priority research areas in the 2016 ECOS research needs survey. We expect to have a robust dialogue with the board on how we can continue to improve our working relationship.

NEHA Annual Education Conference

ORD scientists will be attending the National Environmental Health (NEHA) Annual Education Conference in Grand Rapids, Michigan next week. NEHA represents more than 5000 environmental health professionals working at the local or state level. They will be presenting a session on a proposed portfolio approach to risk assessment, with the discussion to be focused on what the needs are for public health practitioners who rely on risk assessment information to make public health decisions in their state or locality. Several other ORD scientists will participate in a “Tools of the Trade” session at the conference.

Environmental Research Institute of the States (ERIS) Board-EPA Joint Meeting

ORD will host a joint meeting with the ERIS Board in Oklahoma, July 11-12. ORD has developed a critical partnership with ERIS, the research arm of the Environmental Council of the States, to ensure that our research is useful and practical for states to help address on the ground problems. Oklahoma DEQ Executive Director Scott Thompson, Ken Wagner (OA), Jeanne Gettle (Region 4) and James McDonald (Region 6) will also participate. Agenda topics include follow-up on the ERIS survey on state research needs, pilot projects with the Environmental Council of States and the Association of State and Territorial Health Officials on public and environmental health, a tour of ORD’s Groundwater, Watershed and Ecosystem Restoration Division in Ada facility and research vignettes, Oklahoma DEQ overview and discussion of environmental issues facing the state, as well as perfluorinated chemicals and regional perspectives.

Tert-butanol (TBA) and Ethyl Tertiary Butyl Ether (ETBE) External Review Draft IRIS Assessments

On July 11th, ORD scientists will present an overview on the external peer review draft assessments for tert-butanol (TBA) and ethyl tertiary butyl ether (ETBE) to the SAB-CAAC committee formed to jointly review the TBA and ETBE IRIS assessments. The presentation will be part of a public teleconference focused on discussion of the charge questions associated with those external peer review drafts. This public teleconference precedes the face-to-face SAB peer review meeting, scheduled for 15-17 Aug, 2017.

Last Week Highlights

Million Hearts Web Page Now Includes EPA and ORD Air Pollution Info

Links to EPA’s Air Quality Index and ORD’s air pollution and health information and tools were recently made available on the Centers for Disease Control and Prevention and Centers for Medicare & Medicaid Services-led Million Hearts 2022’s [Particle Pollution and Heart Disease page](#). The Web site is a source of information to educate health care professionals and the public about the health effects of air pollutants and actions they can take to protect themselves. Increasing environmental health literacy among physicians and advanced healthcare professionals will help identify those at highest risk, save lives, decrease morbidity, and lower healthcare costs.

State Support: Field studies to Support Cleanup at Fort Devens Superfund Site,

Last week ORD was conducting field research to provide performance verification for groundwater remediation and facilitate evaluation of new monitoring tools. ORD is providing technical assistance to Region 1 and the Massachusetts Department of Environmental Protection to investigate the impact of recently implemented remedial measures on groundwater flow and contaminant transport. Fort Devens is a former military training base with petroleum, arsenic, iron, and magnesium contamination in the groundwater, soil, and sediment.

Peer Review Meeting for EPA's Draft Report, "Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water"

ORD scientists presented ORD's integrated SHEDS-IEUBK (probabilistic exposure- dose) model and results at the Peer Review Meeting for EPA's Draft Report, "Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water" on June 27 - 28, 2017. This peer review will provide input to Office of Water for choosing modeling approaches to use in updating the Lead and Copper Rule with a Household Action Level. Closing comments by the peer review panel were very positive.

Satellite imagery helps alert Utah DEQ to Cyanobacteria Bloom

Through the Cyanobacteria Assessment Network (CyAN), EPA Region 8 requested support for the State of Utah for early access to satellite imagery based on the severity of cyanobacteria blooms from the previous year. Utah Department of Environmental Quality (DEQ) conducted its routine monthly sampling on June 12, 2017. Satellite imagery the following week indicated a bloom was developing in Lake Utah's Provo Bay, so Utah Department of Water Quality (DWQ) scientists returned to the area on June 22, 2017 for follow-up sampling. On June 29th, DEQ issued a news release (*Algal Bloom Detected in Provo Bay: Public Warned To Avoid Area*) warning the public and pets to stay out of the lake's Provo Bay. Local news articles related to the Utah DEQ press release acknowledge the bloom was first detected via satellite imagery (e.g., See Warnings posted for visitors due to algal bloom in Provo Bay, Public warned to avoid Provo Bay in Utah Lake due to algal bloom, Toxic algae's return to Utah Lake could force it to close for holiday weekend, Algal bloom returns to Utah Lake in Provo area).

Office of Water Weekly Report

July 7, 2017

Hot Issues

Bristol Bay: This week, OW anticipates sending forward for your signature, the final tribal consultation letters, initiating a 90-day tribal consultation period on EPA's proposal to withdraw the Bristol Bay/Pebble 404(c) Proposed Determination. Per the May 11, 2017 Settlement Agreement, EPA must initiate a process to propose to withdraw the July 2014 Bristol Bay/Pebble 404(c) Proposed Determination by July 11, 2017. Next week, EPA R10 will sign and post on EPA's website an FRN announcing a 90-day public comment period on the proposal to withdraw. Concurrently with the public comment period, EPA will initiate tribal consultation on the proposal. The signature package to you will include separate letters to both federally-recognized tribal governments and ANCSA Corporations in the Bristol Bay region.

WIFIA: The week of July 17, we anticipate publicly announcing the selection of prospective borrowers for this new federal loan and guarantee program that aims to accelerate investment in our nation's water by providing long-term, low-cost supplemental credit assistance for regionally and nationally significant projects. We look forward to briefing you on this important milestone on Monday.

Puerto Rico SRF: On Friday, June 30, 2017, the current PRASA debt forbearance was extended for another six months. The forbearance extension requires PRASA to pay the SRFs \$250,000 in July, August and September and \$500,000 in months October, November and December. We are also analyzing PRASA's debt restructuring proposal and hope to have a counterproposal in the next few weeks.

Perchlorate: Next week, we will conduct a follow-up meeting with OMB and other Federal agencies on the perchlorate peer review process. EPA is must complete peer review of two perchlorate health effects analyses to support rulemaking required by the Safe Drinking Water Act and a consent decree. EPA completed expert peer review in January 2017 of the first analysis, the Biologically Based Dose Response (BBDR) model. The BBDR model predicts thyroid hormone changes that occur as a result of perchlorate exposure. Last week, we briefed OMB on the second analysis that we need to have peer reviewed. This second analysis links the change in thyroid hormone levels predicted by the BBDR model to neurodevelopmental effects in children. OMB staff had some questions about the second analysis but were more focused on learning how EPA had revised the first analysis (the BBDR model) as a result of the peer review comments. Next week we will meet to describe the first peer review comments, the revisions made by EPA to address those comments and to obtain input on the draft charge questions for the second peer review process.

Waters of the U.S. – Today, we received comments back from the OFR on the proposed step 1 rule submitted for publication last week. We are addressing those comments to move the rule forward to publication. No publication date has been set yet. Next week, we anticipate initiating discussion on a variety of key decision points on the step 2 rule including options direction, small entity engagement, ESA, and economics.

Upcoming Public Events

None

Last Week Highlights

Materials for Cyanobacterial Bloom Management in Recreational Waters: This week, OW released a suite of materials states and communities can use to protect public health during harmful algal bloom (HAB) outbreaks caused by cyanobacteria. Some blooms are capable of producing toxins, called cyanotoxins, which can harm humans and animals, affect drinking water sources and impact local economies. Public health officials and outdoor water recreational managers can use EPA's online resources to develop a cyanotoxin monitoring program, communicate potential health risks to the public, and address HAB outbreaks. OW worked collaboratively with states to develop the materials and expect a positive reaction from, states, local governments, and the public. View the materials at: <https://epa.gov/nutrient-policy-data/monitoring-and-responding-cyanobacteria-and-cyanotoxins-recreational-waters>

Campus RainWorks Challenge: This week, we released the rules for the sixth annual Campus RainWorks Challenge, a green infrastructure design competition created to engage college and university students in reinventing our water infrastructure to address stormwater pollution. Registration for the competition will open in September and design submissions will be due in December. EPA administers the Campus RainWorks Challenge with support from the Water Environment Federation, American Society of Civil Engineers and American Society of Landscape Architects.

